

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 198.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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AN ACT to amend section one of chapter seventy-eight of the public laws of eighteen hundred and seventy-six and repeal section three of chapter one hundred and sixty-four of the public laws of eighteen hundred and seventy-seven, relating to the erection of wharves and weirs.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. Section one of chapter seventy-  
2 eight of the public laws of eighteen hundred and  
3 seventy-six is hereby amended by striking out  
4 after the word "other," in the thirteenth line, the  
5 words "and shall determine to allow the same," so  
6 that said section when amended shall read as fol-  
7 lows:

8 *Sect. 1.* Any person intending to build or ex-  
9 tend any wharf or fish weir in tide waters within

10 the limits of any town or city may make applica-  
11 tion in writing to the municipal officers thereof,  
12 stating the location, limits and boundaries, as near  
13 as may be, of such intended erection or extension,  
14 and asking license for the same. Upon receiving  
15 such application said officers shall give at least  
16 three days' public notice thereof, and shall therein  
17 designate a day in which they shall meet on or  
18 near the premises described, and examine the  
19 same. If upon such examination and hearing of  
20 all parties interested, said officers shall decide that  
21 such erection or extension would not be an ob-  
22 struction to navigation or an injury to the rights  
23 of others, they shall issue a license under their  
24 hands to the applicant, authorizing him to make  
25 said erection or extension and to maintain the  
26 same within the limits mentioned in said license.

SECT. 2. In no case shall any fish weirs be  
2 erected in tide waters below low water mark in  
3 front of the shore or flats of another, without the  
4 owner's consent, under a penalty of twenty dollars,  
5 to be recovered in an action of debt before any  
6 court of competent jurisdiction by the owner of  
7 said shore or flats.

SECT. 3. Section three of chapter one hundred  
2 and sixty-four of the public laws of eighteen hun-  
3 dred and seventy-seven is hereby repealed.

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AMENDMENT TO HOUSE DOCUMENT No. 137.

Amend by striking out section three and substi-  
2 tuting the following, viz:

3 *Sect. 3.* Owners of shores or flats bordering on  
4 the sea coast may extend their fish weirs, the  
5 materials of which are wholly or partly removed  
6 annually, into tide waters below low water mark;  
7 *providing*, they do not obstruct navigation nor  
8 interfere with the rights of others. The provisions  
9 of section thirty-four of chapter forty of the  
10 revised statutes and chapter one hundred and  
11 seventy-five of the public laws of eighteen hundred  
12 and eighty, shall not apply to fish weirs built on  
13 the shore of the sea coast, nor shall this section  
14 apply to the shore and tide waters of rivers.

STATE OF MAINE.

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In HOUSE OF REPRESENTATIVES, }  
March 9, 1883. }

Taken from the table, amended per sheet "A," and ordered  
printed.

ORAMANDAL SMITH, *Clerk.*