

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

---

---

SEVENTY-FIFTH LEGISLATURE

---

---

SENATE

NO. 147

---

---

*In Senate, March 1, 1911.*

*Laid on table on motion of Mr. Mayo and ordered printed  
with Senate Amendment A.*

*W. C. HANSON, Secretary.*

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

---

AN ACT to amend chapter four of the Revised Statutes in rela-  
tion to the erection of wharves and fish weirs.

---

*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Section ninety-six of chapter four of the Re-  
vised Statutes is hereby amended by substituting a comma in  
place of the period at the end of said section and adding  
thereto the following: 'The applicant for license to build  
or extend a fish weir as aforesaid, first giving bond to the  
town, without sureties, in the sum of one hundred dollars,  
conditioned that upon the termination of such license he shall  
remove all stakes and brush from the location therein de-  
scribed,' so the said section as amended shall read as fol-  
lows:

'Sect. 96. Any person intending to build or extend any  
12 wharf or fish weir in tide waters, within the limits of any  
13 city or town, may apply in writing to the municipal officers  
14 thereof, stating the location, limits and boundaries, as nearly  
15 as may be, of such intended erection or extension, and ask-  
16 ing license therefor. Upon receiving such application said  
17 officers shall give at least three days' public notice thereof,  
18 and shall therein designate a day on which they shall meet  
19 on or near the premises described, and examine the same.  
20 If upon such examination and hearing of all parties inter-  
21 ested, said officers decide that such erection or extension  
22 would not be an obstruction to navigation, or an injury to  
23 the rights of others, and determine to allow the same, they  
24 shall issue a license under their hands to the applicant au-  
25 thorizing him to make said erection or extension, and to  
26 maintain the same within the limits mentioned in such li-  
27 cense, the applicant for license to build or extend a fish weir  
28 as aforesaid first giving bond to the town, without sureties,  
29 in the sum of \$100, conditioned that upon the termination of  
30 such license he shall remove all stakes and brush from the  
31 location therein described.'

Sect. 2. The license for the building or extension of a fish  
2 weir issued under the provisions of the foregoing section  
3 shall terminate and become void unless such weir shall be  
4 built within one year from the date of the license and main-  
5 tained and operated in good faith for some part of each year  
6 thereafter.

Sec. 3. Section 99 of said chapter four is hereby amended  
2 so that said section as amended shall read as follows :

'Sect. 99. No fish weir or wharf shall be extended, erect-  
4 ed, or maintained except in accordance with this chapter ;  
5 and no fish weir or wharf shall be erected or maintained in  
6 tide waters below low water mark in front of the shore or  
7 flats of another without the owners consent, under a penalty  
8 of fifty dollars for each offense to be recovered in an action  
9 of debt by the owner of said shore or flats. This chapter  
10 applies to all herring weirs ; but does not apply to other weirs,  
11 the material of which are chiefly removed annually, provided  
12 that such weirs do not obstruct navigation nor interfere with  
13 the rights of others.

This section shall not affect any wharves so erected or main-  
15 tained on the twenty-first day of April, nineteen hundred  
16 one.'

SENATE AMENDMENT A TO SENATE DOCUMENT  
NO. 134.

Title "An Act to amend Chapter four of the Revised Statutes  
in relation to wharves and fish weirs."

Section 1. Section one of said act is hereby amended by  
2 inserting after the words "fish weir" in the fifth, twelfth and  
3 twenty-seventh lines thereof the words 'or trap.'

Sect. 2. Section two of said act is hereby amended by in-  
2 serting after the words "fish weir" in the second and third  
3 lines thereof the words 'or trap.'

Sect. 3. Section three of said act is hereby amended by in-  
2 serting after the words "fish weir" in the third and fifth lines  
3 thereof the word 'trap.' In the tenth line after the words  
4 "herring weirs" the words 'and trap.' After the word  
5 "weirs" in the tenth and twelfth lines the words 'or traps.'