

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE NO. 433

House of Representatives, Feb. 28, 1917.

Referred to Committee on Judiciary and one thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Gurney of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to Create a Commission of Sea and Shore Fisheries.

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

Section 1. Definitions. The word "commission" as used
2 in this act shall mean the sea and shore fisheries commission
3 created by section three of this act. The word "commis-
4 sioner" as used in this act shall mean a member of the com-
5 mission above defined. The word "secretary" as used in
6 this act shall mean the executive secretary of the commission
7 provided for by section eight of this act.

Sect. 2. The office of commissioner of sea and shore fish-

2 eries as heretofore existing is hereby abolished and the pro-
3 visions of section one of chapter forty-five of the Revised
4 Statutes are hereby repealed.

Sect. 3. The governor, with the advice and consent of the
2 council, shall, upon the taking effect of this act, appoint a
3 commission of five persons to be known as the sea and shore
4 fisheries commission who shall have general supervision of
5 the sea and shore fisheries and shell-fish regulated by chap-
6 ter forty-five of the Revised Statutes. Each commissioner
7 except as hereinafter provided shall hold office for a term
8 of five years, unless sooner removed. Not more than three
9 of the commissioners shall belong to the same political party.
10 They shall exercise supervision over all the fisheries and
11 their products taken from the tidewaters within the state,
12 including the proper enforcement of all laws relating to the
13 catching, packing, curing, manufacturing, branding and
14 transportation of all kinds of pickled, salt, smoked, fresh,
15 canned or frozen shell or other fish. They shall have au-
16 thority to make rules and regulations governing the time,
17 manner and conditions of taking fish, shell-fish and lobsters
18 and may declare a close time on such varieties and in such
19 localities as they may determine; but such rules and regu-
20 lations shall be made and such close time declared only after
21 hearing, reasonable notice of which shall have been given
22 by publication or otherwise to all parties interested. Rules
23 and regulations so made and close time so declared shall be
24 held to take precedence over any then existing provisions
25 of statute inconsistent therewith.

Sect. 4. The commission first to be appointed under the provisions of this act shall at the time of their organization determine by lot that the term of one of their number shall expire at the end of each successive period of one year for five years thereafter and upon the expiration of the successive terms as thereby determined the persons appointed shall hold office for the full term of five years. In the event of a vacancy in said commission the person appointed to fill the same shall hold office thereunder only for the remainder of the unexpired term.

Sect. 5. The commissioners shall be sworn to the faithful performance of their duties and shall serve without pay, but they shall receive their actual traveling expenses incurred in the performance of their official duties.

Sect. 6. Commissioners may at any time be removed from office for cause by the governor with the advice and consent of the council after notice and hearing.

Sect. 7. The commission shall appoint an executive secretary who may be removed by them at their pleasure; he shall receive such salary as they may determine not to exceed the sum of two thousand dollars per year; he shall also receive his actual traveling expenses incurred in the performance of his official duties. He shall have and exercise personal supervision of the work of the department and of the enforcement of the laws relating to sea and shore fisheries by the wardens and shall himself possess all the powers of a warden. He shall make a detailed biennial report in

11 the month of December, showing the amount of capital in-
12 vested in, number of men employed in, value of products
13 of, and any other information that he may be able to obtain
14 relating to the sea and shore fisheries. He shall keep a
15 record of all prosecutions for violations of the laws relating
16 to the sea and shore fisheries, the names of persons or firms
17 prosecuted, the fines imposed and collected in each case and
18 the final disposition of the same, and submit the same in
19 his report, which shall be made to the commission and by
20 them transmitted to the governor and council with such ad-
21 ditional statement as they may see fit to make. All powers
22 and duties conferred and imposed upon the commissioner
23 of sea and shore fisheries by the provisions of chapter forty-
24 five of the Revised Statutes except as herein otherwise pro-
25 vided, are hereby conferred and imposed upon and shall be
26 exercised and performed by the executive secretary and ex-
27 cept as herein otherwise provided wherever in said chapter
28 the word "commissioner" or the term "commissioner of sea
29 or shore fisheries" occurs, the same shall be deemed to be
30 stricken out and the term 'executive secretary' inserted in
31 lieu thereof.

Sect. 8. Section two of chapter forty-five of the Revised
2 Statutes is hereby amended by striking out all of said sec-
3 tion and inserting in lieu thereof the following:

'Fish wardens shall be appointed by the secretary and shall
2 be removable by him at pleasure. They shall enforce all
3 laws and the rules and regulations relating to sea and shore

4 fisheries; arrest all violators thereof and prosecute all of-
5 fenses against the same; they shall have the same power
6 to serve criminal processes against such violators and be
7 allowed the same fees as sheriffs for like services. They
8 shall have the same right as sheriffs to require aid in exe-
9 cuting the duties of their office. They shall, before being
10 qualified to discharge the duties required by this chapter,
11 give bond with two good and sufficient sureties or with a
12 surety company authorized to do business in the state, as
13 surety, in the penal sum of two thousand dollars, approved
14 by the executive secretary, to the treasurer of state, con-
15 ditioned for the faithful performance of the duties of their
16 office, provided that in cases of emergency, under direction
17 of the executive secretary, they may discharge their official
18 duties for a period not exceeding two weeks after their
19 appointment and before the filing and approval of said bond.'

Sect. 9. The office of deputy warden is hereby abolished.

Sect. 10. Paragraph two of section twenty-five of chapter
2 one hundred seventeen of the Revised Statutes is hereby
3 amended by striking out all of said paragraph and inserting
4 in lieu thereof, the following: 'Fish wardens shall receive
5 such compensation as the secretary may determine, not to
6 exceed three dollars per day when actually engaged in the
7 performance of their duties, provided that they may receive
8 their expenses properly incurred while so engaged.'

Sect. 11. Section twenty-eight of chapter forty-five of the
2 Revised Statutes is hereby amended by striking out in the

3 fourth line thereof, the words, “and deputy wardens” and
4 by striking out in the eleventh line thereof, the word, “dep-
5 uty” so that said section as amended shall read as follows:

‘For the purpose of enforcing the provisions relating to
2 the protection of lobsters, as provided by the laws of the
3 state, relating to the lobster industry, the commissioner of
4 sea and shore fisheries and his wardens may search, at any
5 time, in suspicious places, including buildings of every de-
6 scription, or any pot, trap, trawl, car, boat, smack, vessel
7 or other vehicle that they may believe is used in the catch-
8 ing, taking, holding or transporting of lobsters, and may
9 seize and remove lobsters taken, held or offered for sale in
10 violation of the provisions of any law of the state relating
11 to the lobster industry. The commissioner may appoint as
12 many persons as he wishes, who hold licenses under section
13 cighteen, as wardens, but so long as they hold licenses they
14 shall serve without pay.’

Sect. 12. Wherever the term of “commissioner of sea and
2 shore fisheries” or the word “commissioner” occurs in sec-
3 tions fifty, fifty-one, sixty-four or sixty-five of chapter forty-
4 five of the Revised Statutes, they shall be deemed to be
5 stricken out and the word ‘commission’ inserted in lieu there-
6 of with the appropriate grammatical changes in pronouns
7 used therein referring thereto:

Sect. 13. All acts and parts of acts inconsistent with the
2 provisions of this act are hereby repealed.