

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-EIGHTH LEGISLATURE

SENATE

NO. 435

In Senate April 3, 1917.

Reported by Messrs. Peacock, Wood, Newcomb, Fletcher, Harris, Ames and Holt from committee on Sea and Shore Fisheries and ordered printed under joint rules.

W. E. LAWRY, Secretary.

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 in
2 this act shall mean the sea and shore fisheries commission
3 created by section three of this act. The word "commission-
4 er" as used in this act shall mean a member of the commis-
5 sion above defined. The word "director" as used in this act
6 shall mean the executive officer of the commission provided
7 for by section eight of this act.

Sect. 2. The office of commissioner of sea and shore fisheries as heretofore existing is hereby abolished and the provisions of section one of chapter forty-five of the revised statutes are hereby repealed.

Sect. 3. The governor, with the advice and consent of the council shall, upon the taking effect of this act, appoint a commission of three persons to be known as the sea and shore fisheries commission who shall have general supervision of the sea and shore fisheries and shell-fish regulated by chapter forty-five of the revised statutes. Each commissioner except as hereinafter provided shall hold office for a term of three years, unless sooner removed. Two of said commissioners shall belong to the political party casting the largest number of votes for governor at the last preceding election and one from the political party casting the second largest vote for governor at the same election. They shall exercise supervision over all the fisheries and their products taken from the tidewaters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, selling, branding and transportation of all kinds of picked, salt, smoked, fresh, canned or frozen shell or other fish. They shall have authority to make rules and regulations governing the time, manner and conditions of taking fish, shell-fish and lobsters and may declare a close time on such varieties and in such localities as they may determine; but such rules and regulations shall be made and such close time declared only after hearing, reason-

24 able notice of which shall have been given by publication or
25 otherwise to all parties interested. Rules and regulations so
26 made and close time so declared shall be held to take prece-
27 dence over any then existing provisions of statute inconsis-
28 tent therewith.

Sect. 4. The commission first to be appointed under the
2 provisions of this act shall at the time of their organization
3 determine by lot that the term of one of their number shall
4 expire at the end of each successive period of one year for
5 three years thereafter and upon the expiration of the suc-
6 cessive terms as thereby determined the persons appointed
7 shall hold office for the full term of three years. In the
8 event of a vacancy in said commission the person appointe-
9 d to fill the same shall be from the same political party as the
10 retiring commissioner and shall hold office thereunder only
11 for the remainder of the unexpired term, and at the expira-
12 tion of the term of any commissioner his successor shall be
13 appointed from the same political party of which the retir-
14 ing commissioner was a member.

Sect. 5. The commissioners shall be sworn to the faithful
2 performance of their duties and shall receive a per diem of
3 five dollars while engaged in the work of the commission
4 and their actual expenses incurred in the performance of
5 their official duties.

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

Sect. 7. The commission shall appoint a director of sea and shore fisheries and the first director appointed shall be the present commissioner of sea and shore fisheries, who may be removed by them at their pleasure; he shall receive the sum of two thousand dollars per year; he shall also receive his actual 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 the month of December, showing the amount of capital invested in, number of persons employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries. He shall keep a record of all prosecutions for violations of the laws relating to the sea and shore fisheries, the names of persons or firms prosecuted, the fines imposed and collected in each case and the final disposition of the same, and submit the same in his report, which shall be made to the commission and by them transmitted to the governor and council with such additional statement as they may see fit to make. All powers and duties conferred and imposed upon the commissioner of sea and shore fisheries by the provisions of chapter forty-five of the revised statutes except as herein otherwise provided, are hereby conferred and imposed upon and shall be exercised and performed by the director of sea and shore fisheries and except as herein

28 otherwise provided, wherever in said chapter the word “com-
29 missioner” or the term “commissioner of sea and shore fish-
30 eries” occurs, the same shall be deemed to be stricken out
31 and the term “director of sea and shore fisheries” inserted in
32 lieu thereof.

Sect. 8. Section two of chapter forty-five of the revised
2 statutes is hereby amended by striking out all of said section
3 and inserting in lieu thereof the following: ‘Fish wardens
4 shall be appointed by the director of sea and shore fisheries,
5 and shall be removable by him at pleasure, and the term of
6 all fish wardens now holding a commission from the state is
7 hereby terminated. They shall enforce all laws and the rules
8 and regulations relating to sea and shore fisheries; arrest all
9 violators thereof and prosecute all offenses against the same;
10 they shall have the same power to serve criminal processes
11 against such violators and be allowed the same fees as sher-
12 iffes for like services. They shall have the same right as
13 sheriffs to require aid in executing the duties of their office.
14 They shall, before being qualified to discharge the duties
15 required by this chapter, give bond with two good and suf-
16 ficient sureties or with a surety company authorized to do
17 business in the state, as surety, in the penal sum of two
18 thousand dollars, approved by the director of sea and shore
19 fisheries, to the treasurer of state, conditioned for the faith-
20 ful performance of the duties of their office, provided that
21 in case of emergency, under direction of the director of sea
22 and shore fisheries, they may discharge their official duties

23 for a period not exceeding two weeks after their appointment
24 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 director of sea and shore fisheries
6 may determine, not to exceed three dollars per day when
7 actually engaged in the performance of their duties, provided
8 that they may receive their expenses properly incurred while
9 so engaged.'

Sect. 11. Section twenty-eight of chapter forty-five of the
2 revised statutes is hereby amended by striking out in the third
3 line thereof the word "commissioner" and inserting in lieu
4 thereof the word 'director;' and by striking out in the fourth
5 line thereof the words "deputy wardens;" and by striking
6 out in the tenth line thereof the word "commissioner" and in-
7 serting in lieu thereof the word 'director' and by inserting
8 in the ninth line thereof after the word "industry" the fol-
9 lowing: 'But nothing herein shall be held to confer the right
10 to search a dwelling house without a warrant;' and by strik-
11 ing out in the tenth line thereof the word "commissioner" and
12 inserting in lieu thereof the word 'director;' and by striking
13 out in the eleventh line thereof, the word "deputy" so that
14 said section as amended shall read as follows:

'For the purpose of enforcing the provisions relating to the

2 protection of lobsters, as provided by the laws of the state,
3 relating to the lobster industry, the director of sea and shore
4 fisheries and his wardens may search, at any time in sus-
5 picious places, including buildings of every description, or
6 any pot, trap, trawl, car, boat, smack, vessel or other vehicle
7 that they may believe is used in the catching, taking, holding
8 or transporting of lobsters, and may seize and remove lob-
9 sters taken, held or offered for sale in violation of the pro-
10 visions of any law of the state relating to the lobster industry.
11 But nothing herein shall be held to confer the right to search
12 a dwelling house without a warrant. The director may ap-
13 point as many persons as he wishes, who hold licenses un-
14 der section eighteen as wardens but so long as they hold li-
15 censes they shall serve without pay.'

Sect. 12. Wherever the term of "commissioner of sea and
2 and shore fisheries" or the word "commissioner" occurs in
3 sections fifty, fifty-one, sixty-four or sixty-five of chapter
4 forty-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.