

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTIETH LEGISLATURE**

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**SENATE**

**NO. 186**

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In Senate, March 31, 1921.

Reported by Mr. Clement from Committee on Sea and Shore Fisheries, and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE**

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AN ACT to Amend Section One Hundred and Twenty-one of Chapter Four of the Revised Statutes, Relating to Application for License to Build or Extend Fish Weirs.

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

Section one hundred and twenty-one of chapter four of 2 the revised statutes is hereby amended by adding after the 3 last word of said section the following words: 'Any per- 4 son aggrieved by the decision of the municipal officers in 5 either granting or refusing to grant a license as herein- 6 before provided may appeal to the commission of sea and 7 shore fisheries. On receiving such an appeal said com- 8 mission shall set a time and place for a hearing and shall

9 give notice thereof in the same manner as is hereinbefore  
10 provided for a hearing before municipal officers. At least  
11 two members of the commission shall be present at the  
12 hearing and no member of the commission shall act on  
13 any appeal in any town of which he may be a resident or  
14 the owner of a weir. The party appealing from the de-  
15 cision of the municipal officers shall at the time of enter-  
16 ing his appeal file a bond without sureties in the sum of  
17 twenty-five dollars with the treasurer of the state, and such  
18 bond shall be forfeited to the state if the appellant fails  
19 to prosecute his appeal or if the decision of the commis-  
20 sion of sea and shore fisheries sustains that of the mu-  
21 nicipal officers. The decision of the said commission shall  
22 be communicated within three days after the date of the  
23 hearing to the appellant and to the municipal officers of  
24 the town in which the proposed weir is located; and this  
25 decision shall be binding on the said municipal officers,  
26 who shall issue a license, if so directed by the decision of  
27 the commission, within three days after said decision has  
28 been communicated to them.'

Said section is further amended by adding after the words  
2 "three days public notice thereof," the words 'in a news-  
3 paper published in the municipality or in the newspaper,  
4 published within the county, which is nearest the munici-  
5 pality in which the proposed weir is to be located,' so that  
6 said section as amended shall read as follows:

'Sect. 121. Any person intending to build or extend any  
2 fish weir or trap in tide waters, within the limits of any

3 city or town, may apply in writing to the municipal offi-  
4 cers thereof, stating the location, limits and boundaries, as  
5 nearly as may be, of such intended erection or extension,  
6 and asking license therefor. Upon receiving such appli-  
7 cation, said officers shall give at least three days' public  
8 notice thereof in a newspaper, published in the munici-  
9 pality or in the newspaper, published in the county, which  
10 is nearest the municipality in which the proposed weir is  
11 to be located, and shall therein designate a day on which  
12 they shall meet on or near the premises described, and  
13 examine the same. If upon such examination and hear-  
14 ing of all parties interested, said officers decide that such  
15 erection or extension would not be an obstruction to navi-  
16 gation, or an injury to the rights of others, and determine  
17 to allow the same, they shall issue a license under their  
18 hands to the applicant, authorizing him to make such erec-  
19 tion or extension, and to maintain the same within the  
20 limits mentioned in such license; the applicant for license  
21 to build or extend a fish weir or trap as aforesaid shall  
22 first give bond to the town, without sureties, in the sum  
23 of one hundred dollars, conditioned that upon the termi-  
24 nation of such license he shall remove all stakes and brush  
25 from the location therein described. Any person aggrieved  
26 by the decision of the municipal officers in either granting  
27 or refusing to grant a license as hereinbefore provided may  
28 appeal to the commission of sea and shore fisheries. On  
29 receiving such an appeal said commission shall set a time  
30 and place for a hearing and give notice thereof in the same

31 manner as is hereinbefore provided for a hearing before  
32 municipal officers. At least two members of the commis-  
33 sion shall be present at the hearing and no member of the  
34 commission shall act on any appeal in any town of which  
35 he may be a resident or the owner of a weir. The party  
36 appealing from the decision of the municipal officers shall  
37 at the time of entering his appeal file a bond without sure-  
38 ties in the sum of twenty-five dollars with the treasurer  
39 of the state and such bond shall be forfeited to the state  
40 if the appellant fails to prosecute his appeal or if the de-  
41 cision of the commission of sea and shore fisheries sus-  
42 tains that of the municipal officers. The decision of the  
43 said commission shall be communicated within three days  
44 after the date of the hearing to the appellant and to the  
45 municipal officers of the town in which the proposed weir  
46 is located; and this decision shall be binding on said mu-  
47 nicipal officers, who shall issue a license, if so directed by  
48 the decision of the commission, within three days after said  
49 decision has been communicated to them.'