

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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SENATE

NO. 106

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In Senate, Feb. 16, 1923.

Referred to Committee on Sea and Shore Fisheries and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Emery of Washington.

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STATE OF MAINE

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

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AN ACT Amending Section One Hundred and Twenty-one of Chapter Fourteen of the Revised Statutes, as Amended by Chapter One Hundred and Thirty-five, Public Laws of 1921, Relating to Fish Weirs.

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

Section one hundred twenty-one of chapter fourteen of  
2 the revised statutes, as amended by chapter one hundred  
3 thirty-five of the public laws of nineteen hundred twenty-  
4 one, is hereby further amended by inserting after the word  
5 "described" in the twentieth line of said section the follow-  
6 ing: 'Should the said applicant or his assignee fail to remove  
7 such stakes and brush within a period of one year after the

8 termination of his license as provided in section one hundred  
9 twenty-two of chapter four, it shall then be legal for any  
10 person so to remove them, but without charge against said  
11 owner or assignee,' so that said section as amended shall  
12 read as follows:

'Sect. 121. Any person intending to build or extend any  
2 fish weir or trap in tidewaters, within the limits of any city  
3 or town, may apply to the municipal officers thereof, stating  
4 the location, limits and boundaries, as nearly as may be, of  
5 such intended erection or extension, and asking license  
6 therefor. Upon receiving such application, said officers  
7 shall give at least three days' public notice thereof in a  
8 newspaper, published in the municipality, or in the news-  
9 paper, published in the county, which is nearest the mu-  
10 nicipality in which the proposed weir is to be located, and  
11 shall therein designate a day on which they shall meet on  
12 or near the premises described, and examine the same. If  
13 upon such examination and hearing of all parties interested,  
14 said officers decide that such erection or extension would  
15 not be an obstruction to navigation, or an injury to the  
16 rights of others, and determine to allow the same, they shall  
17 issue a license under their hands to the applicant, author-  
18 izing him to make such erection or extension, and to main-  
19 tain the same within the limits mentioned in such license;  
20 the applicant for license to build or extend a fish weir or  
21 trap as aforesaid shall first give bond to the town, without  
22 sureties, in the sum of one hundred dollars, conditioned

23 that upon the termination of such license he shall remove  
24 all stakes and brush from the location therein described.  
25 Should the said applicant or his assignee fail to remove  
26 such stakes and brush within a period of one year after  
27 the termination of his license as provided in section one  
28 hundred twenty-two of chapter four, it shall then be legal  
29 for any person so to remove them, but without charge  
30 against said owner or assignee. Any person aggrieved by  
31 the decision of the municipal officers in either granting or  
32 refusing to grant a license as hereinbefore provided may  
33 appeal to the commission of sea and shore fisheries. On  
34 receiving such an appeal said commission shall set a time  
35 and place for a hearing and give notice thereof in the same  
36 manner as is hereinbefore provided for a hearing before  
37 municipal officers. At least two members of the commission  
38 shall be present at the hearing and no member of the com-  
39 mission shall act on any appeal in any town of which he  
40 may be a resident or the owner of a weir. The party  
41 appealing from the decision of the municipal officers shall  
42 at the time of entering his appeal file a bond without  
43 sureties in the sum of twenty-five dollars with the treasurer  
44 of the state and such bond shall be forfeited to the state  
45 if the appellant fails to prosecute his appeal or if the de-  
46 cision of the commission of sea and shore fisheries sustains  
47 that of the municipal officers. The decision of the said  
48 commission shall be communicated within three days after  
49 the date of the hearing to the appellant and to the municipal

50 officers of the town in which the proposed weir is located;  
51 and this decision shall be binding on said municipal officers,  
52 who shall issue a license, if so directed by the decision of  
53 the commission, within three days after said decision has  
54 been communicated to them.