

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 222

In Senate, March 7, 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.

STATE OF MAINE

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

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

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

Section one hundred twenty-one of chapter four of the 2 revised statutes, as amended by chapter one hundred thirty- 3 five of the public laws of nineteen hundred twenty-one, is 4 hereby further amended by adding thereto the following: 5 'In the case of islands not within the jurisdiction of any 6 town all powers of municipal officers to issue licenses to 7 build weirs are hereby conferred upon the owner or owners

8 of said islands. If said owner or owners are unable to
9 agree as to the issuance of a license, they shall submit the
10 question of such issuance to the director of sea and shore
11 fisheries who shall after a hearing at which all parties may
12 be represented, decide as to the issuance of such license,' so
13 that said section as amended shall 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 in writing to the municipal officers
4 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 applica-
7 tion, said officers shall give at least three days' public
8 notice thereof in a newspaper, published in the municipality
9 or in the newspaper, published in the county, which is
10 nearest the municipality in which the proposed weir is to
11 be located, and shall therein designate a day on which they
12 shall meet on or near the premises described, and examine
13 the same. If upon such examination and hearing of all
14 parties interested, said officers decide that such erection or
15 extension would not be an obstruction to navigation, or an
16 injury to the rights of others, and determine to allow the
17 same, they shall issue a license under their hands to the
18 applicant, authorizing him to make such erection or ex-
19 tension, and to maintain the same within the limits men-
20 tioned in such license; the applicant for license to build or
21 extend a fish weir or trap as aforesaid shall first give bond

22 to the town without sureties, in the sum of one hundred
23 dollars, conditioned that upon the termination of such li-
24 cense he shall remove all stakes and brush from the location
25 therein described. Any person aggrieved by the decision
26 of the municipal officers in either granting or refusing to
27 grant a license as hereinbefore provided may appeal to the
28 commission of sea and shore fisheries. On receiving such an
29 appeal said commission shall set a time and place for a hear-
30 ing and give notice thereof in the same manner as is here-
31 inbefore provided for a hearing before municipal officers.
32 At least two members of the commission shall be present
33 at the hearing and no member of the commission shall act
34 on any appeal in any town of which he may be a resident
35 or the owner of a weir. The party appealing from the
36 decision of the municipal officers shall at the time of enter-
37 ing his appeal file a bond without sureties in the sum of
38 twenty-five dollars with the treasurer of the state and such
39 bond shall be forfeited to the state if the appellant fails
40 to prosecute his appeal or if the decision of the commission
41 of sea and shore fisheries sustains that of the municipal
42 officers. The decision of the said commission shall be
43 communicated within three days after the date of the hear-
44 ing to the appellant and to the municipal officers of the
45 town in which the proposed weir is located; and this
46 decision shall be binding on said municipal officers, who
47 shall issue a license, if so directed by the decision of the
48 commission within three days after said decision has been

49 communicated to them. In the case of islands not within
50 the jurisdiction of any town, all powers of municipal officers
51 to issue licenses to build weirs are hereby conferred upon
52 the owner or owners of said islands. If said owner or
53 owners are unable to agree as to the issuance of a license,
54 they shall submit the question of such issuance to the
55 director of sea and shore fisheries who shall after a hearing
56 at which all parties may be represented, decide as to the
57 issuance of such license.'