

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

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 235

In Senate, March 10, 1923.

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

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

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

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.

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

Section one hundred twenty-one of chapter fourteen 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 inserting after the word "de-
5 scribed" in the twentieth line of said section the following:

'Should the said applicant or his assignee fail to remove
2 such stakes and brush within a period of one year after the

3 termination of his license as provided in section one hun-
4 dred twenty-two of chapter four, it shall then be legal for
5 any person so to remove them, but without charge against
6 said owner or assignee.' So that said section as amended
7 shall read as follows:

'Sect. 121. Any person intending to build or extend any
2 fish weirs 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, or
11 legal local notice, and shall therein designate a day on
12 which they shall meet on or near the premises described,
13 and examine the same. If upon such examination and
14 hearing of all parties interested, said officers decide that
15 such erection or extension would not be an obstruction to
16 navigation, or an injury to the rights of others, and deter-
17 mine to allow the same, they shall issue a license under
18 their hands to the applicant, authorizing him to make such
19 erection 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 first
22 give bond to the town, without sureties, in the sum of one

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

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