

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-SECOND LEGISLATURE**

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**H. P. No. 1219**

**H. D. No. 438**

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House of Representatives, March 20, 1925.

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

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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AN ACT Relating to Application for License to Build or  
Extend Wharves or Fish Weirs.

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EMERGENCY PREAMBLE—*Whereas* by Chapter 135 of the Public Laws of 1921, by Chapter 85 of the Public Laws of 1923 and by Chapter 127 of the Public Laws of 1923, Section 121 of Chapter 4 of the Revised Statutes, relating to application for licenses to build or extend wharves or fish weirs was amended, and

*Whereas*, through inadvertence, accident or mistake the words "wharf or" were omitted in the first, eighth, sixteenth, twenty-eighth and thirty-sixth lines thereon, so that said section as

amended failed to provide for wharves built or extended in tide waters, and

*Whereas*, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of the State of Maine, and therefore require the following legislation as an immediate necessity for the preservation of the public peace, health and safety.

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, as amended by chapter one hundred 3 and thirty-five of the public laws of nineteen hundred and 4 twenty-one, is hereby further amended, by inserting before 5 the word "fish" in the first line thereof, the words 'wharf 6 or'; by inserting before the word "weir" in the eighth line 7 the words 'wharf or' and by inserting before the word "fish" 8 in the sixteenth line, the word 'wharf'; by inserting words 9 'wharf or' before word "weir" in the twenty-eighth and 10 thirty-sixth lines, so that section, as amended, shall read as 11 follows:

'Sect. 121. Any person intending to build or extend any 2 wharf or fish weir or trap in tidewaters, within the limits 3 of any city or town, may apply in writing to the municipal 4 officers thereof, stating the location, limits and boundaries, 5 as 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 notice 8 thereof in a newspaper, published in the municipality, or in

9 the newspaper, published in the county, which is nearest the  
10 municipality in which the proposed wharf or weir is to be  
11 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 exten-  
19 sion, and to maintain the same within the limits mentioned  
20 in such license; the applicant for license to build or extend  
21 a wharf, 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  
29 an appeal, said commission shall set a time and place for  
30 a hearing and give notice thereof in the same manner as  
31 is hereinbefore provided for a hearing, before municipal  
32 officers. At least two members of the commission shall be  
33 present at the hearing and no member of the commission  
34 shall act on any appeal in any town of which he may be a  
35 resident or the owner of a wharf or 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 of  
39 the state and such bond shall be forfeited to the state if  
40 the appellant fails to prosecute his appeal or if the decision  
41 of the commission of sea and shore fisheries sustains that  
42 of the municipal officers. The decision of the said com-  
43 mission shall be communicated within three days after the  
44 date of the hearing to the appellant and to the municipal  
45 officers of the town in which the proposed wharf or weir is  
46 located; and this decision shall be binding on said municipal  
47 officers, who shall issue a license, if so directed by the de-  
48 cision of the commission, within three days after said de-  
49 cision has been communicated to them.'

*Emergency Clause.* In view of the emergency cited in the  
2 preamble, this act shall take effect when approved.