

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 534

S. P. 428

In Senate, Feb. 12, 1931.

Referred to Committee on Sea and Shore Fisheries and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator St. Clair of Knox.

STATE OF MAINE

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

AN ACT Relating to Time Limit on Notices in re Hearings on
Licenses for Wharves and Fish Wiers.

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

Time limit on decisions extended. Section one hundred seventy-six of chapter five of the revised statutes is hereby amended by striking out in the nineteenth and thirty-eighth lines of said section the word "three" and substituting in place thereof the word 'ten', so that said section as amended shall read as follows:

'Sec. 176. Application for license to build or extend wharves and fish weirs; proceedings; bond. Any person intending to build or extend any wharf or fish weir or trap in tide-waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits, and boundaries, as nearly as may be of such intended erection or extension, and asking license therefore. Upon receiving such application said officers shall give at least three days' public notice thereof in a newspaper, published in the municipality, or, if there be no newspaper published in the municipality, in a newspaper published within the county, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide

that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make such erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond, to the town, without securities, in the sum of one hundred dollars, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Said municipal officers shall, within ten days after the date of the hearing, give written notice of their decision to all parties interested. Should the said applicant or his assignee fail to remove such stakes and brush within a period of one year after the termination of his license as provided in the following section, it shall then be legal for any person so to remove them, but without charge against said owner or assignee. Any person aggrieved by the decision of the municipal officers in either granting or refusing to grant a license as hereinbefore provided may appeal to the commission of sea and shore fisheries within ten days after such written notice. On receiving such an appeal, said commission shall set a time and place for a hearing and give notice thereof in the same manner as is hereinbefore provided for a hearing, before municipal officers. At least two members of the commission shall be present at the hearing and no member of the commission shall act on any appeal in any town of which he may be a resident or the owner of a wharf or a weir or a trap. The party appealing from the decision of the municipal officers, shall at the time of entering his appeal, file a bond without sureties in the sum of twenty-five dollars with the treasurer of the state and such bond shall be forfeited to the state if the appellant fails to prosecute his appeal or if the decision of the commission of sea and shore fisheries sustains that of the municipal officers. The decision of the said commission shall be communicated within ten days after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed wharf or weir or trap is located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision

of the commission, within three days after said decision has been communicated to them.

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