

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 275**

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S. P. 195

In Senate, Feb. 1, 1933.

Referred to Committee on Inland Fisheries and Game and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Bissett of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

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AN ACT to Revise the Fish and Game Law in Regard to Rules and Regulations.

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

**Sec. 1. Fish and Game Rules and Regulations.** Chapter 38 of the revised statutes is hereby amended by repealing sections 3, 4, 4-A, and 4-B thereof ; and by enactment of a new section 3, to read as follows :

**Sec. 3. Rules and Regulations.** Any inland waters of the state shall be closed to fishing, and game sanctuaries established, whenever it is necessary or advisable for the protection, and conservation of fish and game therein.

The commissioner is hereby designated as the agent of the state to determine the necessity or advisability of closing any inland waters of the state to fishing, or establishing and regulating game sanctuaries, and he shall regulate the times, and places in which, and number and size of the fish to be taken, and the manner in which inland fish may be taken, and the establishment of game sanctuaries, so that the said fish and game may be protected, and conserved. He shall give due notice of any proposed change, and shall hold a public hearing in the county to be affected. Upon petition of a majority of the municipal officers of a town or towns in which waters

or lands lie, or on petition of a majority of the county commissioners, when the waters or lands lie in unorganized townships the commissioner shall give due notice and hold a public hearing on the necessity or advisability of regulating such waters or lands in regard to hunting or fishing. After such hearing if he is satisfied that the regulation of the fishing would conserve and protect fishing in any particular water or waters or that the establishing and regulation of game sanctuaries would conserve and protect the game, he shall issue such regulation. He shall file a copy thereof in the offices of the town clerks in the locality affected, and publish it three weeks successively in a newspaper published or printed in the county, or if no paper is so published or printed, then in the state paper, and if practicable post like notices on the banks of the waters to be affected as nearly as may be; and whenever such regulation applies to any unorganized township a like copy shall be filed with the clerks of courts for that county. He shall also file an attested copy of the regulation with the secretary of state.

The commissioner may modify or repeal such regulations from time to time whenever the conditions that made them advisable have changed. All modifications or repeals shall be published and filed in the same manner as the original regulation.

All such regulations or modifications shall have the force of law, and shall not be inconsistent with the general law of the state.

Whoever violates any of the regulations of the commissioner promulgated under this section or by the direction of the legislature shall be punished by the penalty prescribed in section 107.

Sec. 2. **Chapter 38, amended.** Chapter 38 of the revised statutes is hereby further amended by the enactment of a new section to be numbered 4, and to read as follows:

'Sec. 4. **Legislative regulations.** The commissioner shall issue such regulations as the legislature by its resolve shall direct, to take effect at such time or for such time as the legislature directs in the said resolve. The last sentence of paragraph 2 of section 3 shall apply to the aforesaid rules and regulations.'

Sec. 3. **Statutory Provisions Changed to Rules and Regulations.** All of the following enumerated provisions of statute law are hereby repealed and the commissioner of inland fisheries and game is hereby directed to incorporate their provisions into the rules and regulations of the department:

1. All of the provisions of section 21 of chapter 38 of the revised statutes, as amended, except the first sentence thereof.
2. All of the provisions of section 22 of the said chapter 38.

3. The second sentence of section 25 of the said chapter 38.
4. The 2nd, 3rd, 4th, 5th and 6th paragraphs of section 29, and the first sentence of the 8th paragraph of section 29 of the said chapter 38.

Sec. 4. **Section 23, repealed.** Section 23 of chapter 38 of the revised statutes is hereby repealed.