

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 140

S. P. 190

In Senate, January 24, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Schnurle of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT Relative to the Making of Local Regulations for Fishing by the
Commissioner of Inland Fisheries and Game.**

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

R. S., c. 38, amended. Chapter 38 of the revised statutes is hereby amended by repealing section 4, 4A and 4B and adding in place thereof the following section 4.

'Sec. 4. Rules and regulations; how issued. Upon petition of a majority of the municipal officers or 25 citizens of the town or towns in which the waters or lands to be affected lie, or, upon the petition of a majority of the county commissioners in case said waters or lands lie in unorganized townships, or upon the initiative of the commissioner of inland fisheries and game stating the conditions affecting the waters or lands and the regulations which are desired as a remedy, the commissioner may regulate the times, places, number, weight and manner in which inland fish may be taken, hearings shall be held upon the subject matter of each petition in the several counties annually at the times and places as may be selected by the commissioner, during the period from September 15th to December 14th; said hearings to be held and rules and regulations promulgated as hereinafter provided; all petitions shall be in the office of the commissioner of inland fisheries and game before the 1st day of September of each year.

Notice of hearings to be held and the times and places thereof shall be published once a week for 2 successive weeks prior to the hearing in a newspaper within the county in which the waters or lands affected lie and in case no newspaper exists, in the state newspaper. Hearings may be held by the commissioner or such subordinate officer of the department of inland fisheries and game as the commissioner may designate. The commissioner may request the presence of the member of the advisory council within whose councilor district said waters or lands to be affected lie, at said hearing. Upon the expiration of the period during which said hearings are to be held the commissioner with the advice and consent of the advisory council shall make such rules and regulations as may be deemed advisable within the scope of the petition and hearing held thereon and cause notice of the same to be published once a week for 2 successive weeks prior to January 1st in a newspaper in the counties wherein the waters or lands to be affected lie or in case no newspaper is published therein said notice shall be published in the state newspaper; and the commissioner shall file a copy of said regulation, certified by him, with the secretary of state and with the clerk of courts of the counties affected. Upon January 1st of each year all such regulations shall take effect. Provided, that if in the judgment of the commissioner the supply of fish in any waters is apt to be depleted by a large and unusual concentration of fishermen he may declare that an emergency has arisen and hold a hearing thereon at any time, in the manner and form provided herein, notice of said hearing and notice of regulations promulgated as a result of said hearings shall each be published once a week for 2 successive weeks in a newspaper in the county where said emergency exists, and if no such newspaper exists then it shall be published as above set forth in the state newspaper, said regulations shall take effect on the date of the last publication thereof and certified copies shall be filed as in the case of annual hearings. Whoever violates any provisions of this section shall be subject to the penalty of section 107.'