

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 519

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S. P. 433

In Senate, Feb. 12, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Cowan of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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

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

**R. S., c. 5, § 176; relating to application for license to build or extend wharves and fish weirs, further amended.** Section 176 of chapter 5 of the revised statutes as amended by chapter 139 of the public laws of 1931 is hereby further amended to read as follows :

**'Sec. 176. Time limit on decisions extended.** 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 therefor. Upon receiving such application, said officers shall give at least 3 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 sureties, in the sum of \$100, 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 10 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 1 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~~ **any justice of the superior court** within 10 days after such written notice. On receiving such an appeal, said ~~commission~~ **judge, in term time or vacation** 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 \$25 with the treasurer of 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~~ **judge** sustains that of the municipal officers. The decision of the ~~said commission~~ **judge** shall be communicated within 10 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~~ **judge**, within 3 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.'