

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 150

S. P. 151

In Senate, January 27, 1943.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Dunbar of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Licenses for Building Wharves and Fish Weirs.

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

R. S., c. 5, § 176, amended. Section 176 of chapter 5 of the revised statutes, as amended, is hereby further amended to read as follows :

'Sec. 176. Application for license to build or extend wharves and fish weirs; proceedings. 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 **and time** on which they will meet on or near the premises described, ~~and~~ **to examine the same and hear all parties interested.** 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 **an** 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~~ **municipality**, 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 **by registered mail** 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 any justice of the superior court within 10 days after the **mailing** of such written notice. On receiving such an appeal, said ~~judge~~ **justice**, in term time or in vacation, shall set a time and place for ~~a~~ hearing and give notice thereof in the same manner as hereinbefore provided for a hearing, before ~~the~~ municipal officers. ~~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 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 judge sustains that of the municipal officers.~~ The decision of ~~said the~~ **judge justice** shall be communicated within 10 days after the date of ~~the~~ hearing to the appellant and to the municipal officers of the ~~town~~ **municipality** in which the proposed wharf ~~or~~, weir or trap is **to be** located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of ~~the~~ **judge said justice**, within 3 days after said decision has been communicated to them. **If said appeal is sustained by said justice in whole or in part, the appellant shall have his costs against the appellee. If the appeal is not so sustained, the appellee shall have his costs against the appellant. If any owner to whom a license has been issued, or his heirs or assigns, fails to remove all stakes and brush within a period of 1 year after the termination of the license, as provided in the following section, any person can remove the same without charge against said owner, his heirs or assigns.**

In the case of islands not within the jurisdiction of any ~~town~~ **municipality**, all powers of municipal officers to issue licenses to build weirs are hereby conferred upon the owner or owners of ~~said such~~ 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~~ **commissioner** 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.'