

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 145

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S. P. 124

In Senate, January 26, 1949

Referred to the Committee on Sea and Shore Fisheries, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Noyes of Hancock.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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AN ACT Relating to the Atlantic Sea Run Salmon Commission.

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

**R. S., c. 34, § 53-A, amended.** Section 53-A of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

**‘Sec. 53-A. Commission created; compensation; powers and duties.** There shall be created a commission to be known as the “Atlantic Sea Run Salmon Commission,” which shall consist of 3 persons as follows: the commissioner of inland fisheries and game and the commissioner of sea and shore fisheries as ex officio members, and a 3rd member who shall be a citizen of Maine and who shall be appointed by the governor and council for a term of 4 years. The member appointed by the governor and council shall receive \$10 per day and expenses as compensation when engaged in the discharge of his official duties.

The Atlantic Sea Run Salmon Commission, hereinafter in this section designated as “the commission,” shall have authority to promulgate rules and regulations providing for the times, number and manner in which Atlantic sea run salmon may be taken in all waters of the state ~~and to designate waters, frequented by this species, where special Atlantic salmon fishing licenses shall be required.~~

Whenever any existing conditions adversely affect Atlantic sea run salmon within the territorial limits of the state, the commission, after notice and hearing, shall make such regulations as may be deemed remedial of any such adverse conditions in the manner hereinafter provided.

Petitions, stating the conditions affecting the fish and the regulations which are desired as a remedy, may be addressed to the commission by a majority of the municipal officers or 25 citizens of any municipality in which the waters exist; or if the waters are in an unorganized territory, by a majority of the county commissioners of the county in which said waters exist; or the commission may declare an emergency and designate the time and place of hearing.

Notice of the hearings to be held and the time and place thereof shall be published once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, and if no paper is published there, in ~~a newspaper having state-wide circulation~~ **the Daily Kennebec Journal, a newspaper printed at Augusta**; except when an emergency has been declared, notice shall be published at least 5 days before the date of the hearing instead of 2 weeks.

After hearing pursuant to the petition or emergency declared, the commission shall make such regulations as may be deemed remedial of any adverse conditions proven to exist at the time of said hearing and shall establish the effective date of such regulations, which shall be at least 10 days after the date of hearing. The commission shall cause the regulations to be reduced to writing and shall publish the same once ~~a week for 2 successive weeks~~ in a newspaper published in the county where the waters are situated and which are affected thereby, or if no paper is published there, in ~~a newspaper having state-wide circulation~~ **the Daily Kennebec Journal, a newspaper printed at Augusta**. The commission shall file a certified copy of said regulations with the secretary of state and with the clerk of the superior court of the county in which the waters affected thereby are situated.

Notwithstanding the provisions of section 5 of chapter 33, as revised, and section 5 of ~~chapter 34 of the revised statutes~~ **this chapter, as revised**, all petitions in regard to Atlantic sea run salmon shall be addressed to the commission, which shall have sole jurisdiction to promulgate rules and regulations affecting Atlantic sea run salmon.

~~A special license, to be issued by the commission, shall be required for taking, catching or killing Atlantic sea run salmon in such waters as the commission shall designate.~~

There shall be 3 classes of licenses issued under the provisions of this section: a resident salmon angling license; a non-resident salmon angling license; and a resident commercial salmon license.

The fee for the resident salmon angling license issued to residents of the state shall be \$3 for those residents over 21 years of age and \$1 for those residents under 21 years of age; the fee for the non-resident salmon angling license shall be \$5; and the fee for a resident commercial salmon license shall be \$5.

Licenses provided for in this section shall be in addition to any other required fishing license and they shall expire on December 31st of the calendar year in which they are issued.

Funds received from the sale of licenses authorized under this section shall constitute an "Atlantic Sea Run Salmon Restoration Fund," so-called, to be expended under the direction of the commission for the sole purpose of improving conditions affecting this species. Said funds shall not lapse; but funds so collected in any year may be used in that or any succeeding year for said purpose.

All rules and regulations promulgated under authority of this section shall be enforced by coastal wardens and inland fish and game wardens, each of whom shall have jurisdiction in either the coastal or inland waters.

Whoever violates any provision of this section or any rule and regulation promulgated hereunder shall be subject to a fine of not less than \$10 nor more than \$30 for each offense.

The license provision of this section shall become effective January 1, 1948.