

# MAINE STATE LEGISLATURE

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Legislative Document

No. 260

H. P. 434

House of Representatives, January 30, 1951.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bucknam of Whiting.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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AN ACT Relating to the Building of Wharves and Fish Weirs in  
Deorganized Towns.

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

Sec. 1. R. S., c. 86, § 7-A, additional. Chapter 86 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 7-A, to read as follows:

‘Sec. 7-A. Deorganized towns; application for license to build or extend wharves and fish weirs. Whenever the organization of any town or plantation has been terminated by act of the legislature, the commissioner of sea and shore fisheries shall have the same authority in such deorganized town as municipal officers of organized towns have under the provisions of section 7, to hold hearings on applications to build or extend wharves and fish weirs and to grant licenses therefor.’

Sec. 2. R. S., c. 86, § 8, amended. Section 8 of chapter 86 of the revised statutes is hereby amended to read as follows:

‘Sec. 8. License void. The license for the building or extension of a fish weir or trap issued under the provisions of the preceding ~~section~~ sections or any right or privilege granted by the legislature for the building or

extension of any such fish weir or trap shall terminate and become void unless such weir or trap shall be built within 1 year from the date of the license, or the granting of such right or privilege, and maintained and operated in good faith for some part of each year thereafter.'

**Sec. 3. R. S., c. 86, § 9, amended.** Section 9 of chapter 86 of the revised statutes is hereby amended to read as follows:

**'Sec. 9. Waters lying between 2 towns.** In any river or tide-water lying between 2 towns or cities, or an organized town and a deorganized town, no such wharf or fish weir described in sections 7, 7-A and 8 shall be erected without the consent of the municipal officers of both or the commissioner of sea and shore fisheries in the case of deorganized towns; and in no case shall any wharf be extended beyond any wharf lines heretofore legally established.'

**Sec. 4. R. S., c. 86, § 10, amended.** Section 10 of chapter 86 of the revised statutes is hereby amended to read as follows:

**'Sec. 10. Record; compensation to officers.** The application provided for in ~~section~~ sections 7 and 7-A, with the notice and proceedings thereon, and the license granted, shall be recorded in said town or in the office of the department of sea and shore fisheries in the case of a deorganized town. Reasonable compensation shall be paid by said applicant to the municipal officers for their services and expenses, and to the clerk for recording, and if license is granted, \$5 additional shall be paid therefor by said applicant to said town. No expenses shall be payable by applicants in deorganized towns.'

**Sec. 5. R. S., c. 86, § 11, amended.** The 2nd sentence of section 11 of chapter 86 of the revised statutes is hereby amended to read as follows: 'This section and the ~~4~~ 5 preceding sections apply to all herring weirs and traps; but do not apply to other weirs or traps, the materials of which are chiefly removed annually, provided that such weirs or traps do not obstruct navigation nor interfere with the rights of others.'

**Sec. 6. R. S., c. 86, § 12, amended.** Section 12 of chapter 86 of the revised statutes, as enacted by chapter 257 of the public laws of 1947, is hereby further amended to read as follows:

**'Sec. 12. "Fish weir," defined.** The words "fish weir" mentioned in any of the ~~5~~ 6 preceding sections are defined to be a fixed structure erected and maintained during any part of each fishing season in the tide water, constructed of spiling or stakes, supporting poles or binders, brush, lath racks

or netting, forming one or more pounds or enclosures into which fish are led or guided by one or more fixed leaders and from which they cannot readily escape.'