

MAINE STATE LEGISLATURE

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NEW DRAFT A OF S. P. 193—L. D. 574—NEW TITLE

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

Legislative Document

No. 1569

S. P. 563

In Senate, May 8, 1957.

Reported by Five Members from Committee on Inland Fisheries and Game and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

**AN ACT Relating to Rules and Regulations of the Department of
Inland Fisheries and Game.**

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

R. S., c. 37, § 9, repealed and replaced. Section 9 of chapter 37 of the Revised Statutes, as revised, is hereby repealed and the following enacted in place thereof:

‘Sec. 9. Rules and regulations. Whenever any existing conditions adversely affect the fish in waters in any part of the State, the Commissioner, with the advice and approval of the Advisory Council, shall make such regulations as may be deemed remedial of any such adverse conditions, in those calendar years in which the Legislature is not in session, in the manner provided in this section.

Petitions stating the conditions affecting the fish and the regulations which are desired as a remedy may be addressed to the Commissioner, by a majority of the municipal officers or 25 citizens of the 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 Commissioner may investigate the conditions adversely affecting the fish in any waters in any part of the State and may make such regulations as may be deemed remedial in the manner provided in this section. This petition shall be filed in the office of the Commissioner not later than the first day of August of each year.

Hearing shall be held in the several counties prior to September 14th of the year in which said petition has been filed before the Commissioner or such

subordinate officer of the Department as the Commissioner may designate, at a date and place to be designated by the Commissioner.

Notice of the hearing to be held and the time and place thereof shall be by publication 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.

After hearing pursuant to the petitions filed, the Commissioner, with the advice and approval of the Advisory Council, shall make such regulations as may be deemed remedial of any adverse conditions proven to exist at the time of said hearing, such regulations to become effective on January 1st of the year next following the date of the petition. The Commissioner shall cause the regulations to be reduced to writing and published 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 last publication being prior to January 1st, following the date of the petition. The Commissioner 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 are situated.

If an unusually large concentration of fishermen should occur on any one of the waters in this State, so that the supply of fish in those waters might be depleted, the Commissioner may declare an emergency and order a hearing held either in a legislative or non-legislative year at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 days prior to the hearing in a newspaper published in the county where the water is situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having state-wide circulation. After the hearing, the Commissioner may promulgate regulations providing for the times, number, weight and manner in which fish may be taken from such waters. He shall reduce the regulations to writing and provide for the expiration date thereof, and shall cause notice of the same to be published, the regulations to take effect upon the day following the publication thereof. A certified copy of the regulations shall be filed with the Secretary of State and with the clerk of the Superior Court in the county in which the water is situated.

Whoever violates any provision of this section or any rule of regulation issued under the provisions of this chapter shall be penalized under the provisions of section 139.'