

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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no costs, except the fees of the officer; and if the defendant is defaulted without an appearance or if he files an offer of judgment on the return day of the writ, and the plaintiff accepts such offer or fails to secure more than the amount thereof and of the interest thereon from its date, the plaintiff shall recover no costs, except the entry fee and the officers' fees. The trustee shall pay to the defendant the amount exempt from attachment at the same time and in the same manner as if no process had been served.'

Approved March 30, 1923.

Chapter 126.

An Act to Amend Chapter Fourteen of the Revised Statutes, Relating to Indian Tribes.

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

R. S., c. 14; relating to Indian tribes, amended by adding new section. Chapter fourteen of the revised statutes is hereby amended, by adding thereto a section to be numbered section fifty-four to read as follows:

'Sec. 54. Provisions of sec. 22, relating to removal of persons on Penobscot reservation, made applicable to Passamaquoddy reservation. All the provisions of section twenty-two of this chapter shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the judge of the Calais or Eastport municipal courts instead of the Old Town municipal court as provided in said section.'

Approved March 31, 1923.

Chapter 127.

An Act to Amend Section One Hundred and Twenty-one of Chapter Four of the Revised Statutes, as Amended by Chapter One Hundred and Thirty-five of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Fish Weirs.

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

R. S., c. 4, sec. 121; P. L., 1921, c. 135; relating to applications to build or extend wharves and fish weirs, amended. Section one hundred twenty-one of chapter four of the revised statutes, as amended by chapter one hundred thirty-five of the public laws of nineteen hundred twenty-one, is hereby further amended by adding thereto the following: '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,' so that said section, as amended, shall read as follows:

'Sec. 121. Owners of islands not within jurisdiction of any town, have powers of municipal officers in granting licenses to build weirs. Any person intending to build or extend any fish weir or trap in tidewaters, 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 three days' public notice thereof in a newspaper, published in the municipality, or in the newspaper, published in the county, which is nearest the municipality in which the proposed weir is to be located, 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 one hundred dollars, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. 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. On receiving such an appeal said commission 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 weir. 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 twenty-five dollars 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 commission of sea and shore fisheries sustains that of the municipal officers. The decision of the said commission shall be communicated within three days after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed weir 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 within three days after said

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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.'

Approved March 31, 1923.

Chapter 128.

An Act to Repeal Certain Laws Relating to the Alewive Fishery of the State of
Maine.

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

Sec. 1. Acts wherein legal corporate action of municipality is necessary relating to alewive fisheries, and no action has been taken, repealed. In all acts relating to the alewive fisheries wherein legal corporate action by the municipalities is either necessary or permissive and no such action has been taken by such municipality within five years prior to the date of the approval of this act, such acts are hereby declared to be null and void and such acts are hereby repealed, unless such municipality, at their annual meeting in nineteen hundred and twenty-four, take such legal corporate action as is required by such acts as may be necessary to preserve the rights of such municipality therein, such action to be followed, within a reasonable time thereafter, by the doing of such acts or work as may be necessary to carry the vote of such municipality into effect.

Sec. 2. Director of sea and shore fisheries to decide whether action of municipality has been performed. It shall be the duty of the director of sea and shore fisheries, after a hearing of any party or parties interested, to decide whether the action and doings of any municipality required by the preceding section have been reasonably performed.

Approved March 31, 1923.

Chapter 129.

An Act to Amend Section Nineteen of Chapter Five of the Revised Statutes as Amended by Chapter Sixty-nine of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Seventy-one of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Duties of Boards of Registration of Voters.

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

R. S., c. 5, sec. 19; P. L., 1917, c. 69; 1921, c. 171; relating to sessions