

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-third Legislature

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neglect of such duty shall be punished by a fine not exceeding twenty-five dollars, or shall be imprisoned not exceeding thirty days; provided, further, that a child between the ages of fourteen and sixteen who, because of sub-normal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the commissioner of education and the commissioner of labor, such persons to be employed in non-hazardous occupations.'

Approved April 6, 1927.

Chapter 88.

An Act Relating to Application for License to Build or Extend Wharves and 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; 1923, cc. 85 and 127; 1925, c. 180; relating to application for license to build or extend wharves and fish weirs, proceedings, bond, etc., amended. 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, chapter eighty-five and chapter one hundred and twenty-seven of the public laws of nineteen hundred and twenty-three, and chapter one hundred and eighty of the public laws of nineteen hundred and twenty-five, is hereby further amended by striking out the words "in the newspaper, published in the county, which is nearest the municipality in which the proposed wharf or weir is to be located" in the eighth and ninth lines thereof, and inserting in the place thereof the words 'if there be no newspaper published in the municipality, in a newspaper published within the county,' and by striking out the word "wharf" in the eighteenth line thereof, and by inserting after the word "described" in the twenty-first line thereof the words 'said municipal officers shall, within three days after the date of the hearing, give written notice of their decision to all parties interested,' and by inserting after the word "fisheries" in the twenty-fourth line thereof the words 'within ten days after such written notice,' so that said section, as amended, shall read as follows:

'Sec. 121. Publication of notice in newspaper in municipality or in the county; notice of decision to be given in three days after hearing; aggrieved parties may appeal within ten days. 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 three 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 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. Said municipal officers shall, within three days after the date of the hearing, give written notice of their decision to all parties interested. 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 within ten days after such written notice. 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 wharf or 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 wharf or 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 decision has been communicated to them.'