

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

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terms of his probation, the probation officer shall forthwith report the same to the court which finally tried the cause, and the court may thereupon decree said probation ended, and either impose the sentence, if the cause has been continued for sentence, or in all other cases order the respondent to forthwith comply with the original sentence; and in all cases where sentence has not been imposed, the court may forthwith impose sentence. The probation officer may bring any such respondent who has violated the terms of his probation before the court which finally tried the cause, in vacation, and any justice of said court upon being satisfied of the facts, may order the respondent to forthwith comply with the original sentence.'

Approved March 30, 1935.

Chapter 88.

AN ACT Relating to Time Limit on Notices in re Hearings on Licenses for Wharves and Fish Weirs.

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

R. S., c. 5, § 176; relating to application for license to build or extend wharves and fish weirs, further amended. Section 176 of chapter 5 of the revised statutes, as amended by chapter 139 of the public laws of 1931, is hereby further amended to read as follows:

Sec. 176. Time limit on decisions extended. 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 3 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 \$100, 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 10 days

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after the date of the hearing, give written notice of their decision to all parties interested. Should the said applicant or his assignee fail to remove such stakes and brush within a period of 1 year after the termination of his license as provided in the following section, it shall then be legal for any person so to remove them, but without charge against said owner or assignee. 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~~ any justice of the superior court within 10 days after such written notice. On receiving such an appeal, said ~~commission~~ judge, in term time or vacation 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 or a trap.~~ 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 \$25 with the treasurer of 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~~ judge sustains that of the municipal officers. The decision of the ~~said commission~~ judge shall be communicated within 10 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 or trap 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~~ judge, within 3 days after said 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 30, 1935.

Chapter 89.

AN ACT Relating to Penalty for Operating Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug.

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

R. S., c. 29, § 88, amended. Section 88 of chapter 29 of the revised statutes is hereby amended to read as follows: