

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

CHAP. 105

expended balances of the state school fund or of any funds or appropriations deducted therefrom shall, at the close of the year for which said fund or appropriation is available, be added to the permanent school fund of the state carried forward as a part of the state school fund of continuing appropriations for the ensuing year. Balances at the close of the fiscal year deducted from the state school fund and set apart for certain activities may be transferred from one division to another by consent of the governor and council; provided, however, that balances in any fund made up jointly from funds deducted from the state school fund and appropriations from the general funds of the state shall be disposed of in accordance with the foregoing part of this section.'

Effective July 9, 1943

Chapter 105

AN ACT Relating to Licenses for Building Wharves and Fish Weirs.

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

R. S., c. 5, § 176, amended. Section 176 of chapter 5 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 176. Application for license to build or extend wharves and fish weirs; proceedings. 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 town~~, or, if there be no newspaper published in the ~~municipality town~~, in a newspaper published within the county, and shall therein designate a day and time on which they ~~shall will~~ meet on or near the premises described, ~~and~~ to examine the same and hear all parties interested. 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 an 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 after the date of the hearing, give written notice by registered mail 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 any justice of the superior court within 10 days after the mailing of such written notice. On receiving such an appeal, said judge justice, in term time or in 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 the municipal officers. 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 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 judge sustains that of the municipal officers. The decision of the judge said justice 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 to be located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of the judge said justice, within 3 days after said decision has been communicated to them. If said appeal is sustained by said justice in whole or in part, the appellant shall have his costs against the appellee. If the appeal is not so sustained, the appellee shall have his costs against the appellant. If any owner to whom a license has been issued, or his heirs or assigns, fails to remove all stakes and brush within a period of 1 year after the termination of the license, as provided in the following section, any person can remove the same without charge against said owner, his heirs or assigns.

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 such 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~~ commissioner 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.'