

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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As Passed by the Ninety-fourth Legislature

1949

tions of any or all state highways and state aid highways and cause durable monuments to be erected at the angles thereof. Whenever in the opinion of the commission the boundary lines, limits or locations of any state highway or state aid highway, or any part thereof shall become lost, uncertain or doubtful, they may reestablish the same. They shall file with the town clerk of the town in which the highway is located and with the registry of deeds in the county in which the highway is located, maps showing the boundary lines, limits or location of such reestablished highway, and such lines, boundaries, limits and location, as reestablished, shall be the lines, boundaries, limits and location of such highway. The commission shall post descriptions, of such parts of such highways as lie within any towns, in 3 public places in such towns, and shall publish a description of such parts of such highways as lie within any county, in some newspaper, if any, in such county. Any person aggrieved by the reestablishment of such boundary lines, limits and location may petition for the assessment of damages to the superior court in the county where the reestablished highway is located within 60 days from the filing of such maps with the registry of deeds, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished boundary lines, limits or location are not the same as originally established. The commission shall pay from the funds of its department all expenses incurred hereunder and the amount of final judgment and costs; except that the amount of the final judgment costs shall be paid by the petitioner if such petitioner fails to recover any damages.'

Effective August 6, 1949

Chapter 224

AN ACT Relating to the Atlantic Sea Run Salmon Commission.

Emergency preamble. Whereas, licenses for taking, catching or killing Atlantic sea run salmon were originally designed for funds for the restoration of the Atlantic sea run salmon; and

Whereas, such funds have proved to be totally inadequate; and

Whereas, such licenses being an addition to other angling licenses and are therefore unfair and place an unnecessary burden on the people of the state of Maine; and

Whereas, the provisions for such licenses should be repealed; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 34, § 53-A, amended. Section 53-A of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 53-A. Commission created; compensation; powers and duties. There shall be created a commission to be known as the "Atlantic Sea Run Salmon Commission," which shall consist of 3 persons as follows: the commissioner of inland fisheries and game and the commissioner of sea and shore fisheries as ex officio members, and a 3rd member who shall be a citizen of Maine and who shall be appointed by the governor and council for a term of 4 years. The member appointed by the governor and council shall receive \$10 per day and expenses as compensation when engaged in the discharge of his official duties.

The Atlantic Sea Run Salmon Commission, hereinafter in this section designated as "the commission," shall have authority to promulgate rules and regulations providing for the times, number and manner in which Atlantic sea run salmon may be taken in all waters of the state ~~and to designate waters, frequented by this species, where special Atlantic salmon fishing licenses shall be required.~~

Whenever any existing conditions, except those which are or may be or become within the jurisdiction of the Sanitary Water Board under the provisions of chapter 72 of the revised statutes of 1944, adversely affect Atlantic sea run salmon within the territorial limits of the state, the commission, after notice and hearing, shall make such regulations as may be deemed remedial of any such adverse conditions in the manner hereinafter provided.

Petitions, stating the conditions affecting the fish and the regulations which are desired as a remedy, may be addressed to the commission by a majority of the municipal officers or 25 citizens of any 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 commission may declare an emergency and designate the time and place of hearing.

Notice of the hearings to be held and the time and place thereof shall be published 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~~ the Daily Kennebec Journal, a newspaper printed at Augusta; except when an emergency has been declared, notice shall be published at least 5 days before the date of the hearing instead of 2 weeks.

After hearing pursuant to the petition or emergency declared, the commission shall make such regulations as may be deemed remedial of any adverse conditions proven to exist at the time of said hearing and shall establish the effective date of such regulations, which shall be at least 10 days after the date of hearing. The commission shall cause the regulations to be reduced to writing and shall publish the same once ~~a week for a 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 Daily Kennebec Journal, a newspaper printed at Augusta. The commission 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 thereby are situated.

Notwithstanding the provisions of section 5 of chapter 33, as revised, and section 5 of ~~chapter 34 of the revised statutes~~ this chapter, as revised, all petitions in regard to Atlantic sea run salmon shall be addressed to the commission, which shall have sole jurisdiction to promulgate rules and regulations affecting Atlantic sea run salmon.

~~A special license, to be issued by the commission, shall be required for taking, catching or killing Atlantic sea run salmon in such waters as the commission shall designate.~~

~~There shall be 3 classes of licenses issued under the provisions of this section: a resident salmon angling license; a non resident salmon angling license; and a resident commercial salmon license.~~

~~The fee for the resident salmon angling license issued to residents of the state shall be \$3 for those residents over 21 years of age and \$1 for these residents under 21 years of age; the fee for the non resident salmon angling license shall be \$5; and the fee for a resident commercial salmon license shall be \$5.~~

~~Licenses provided for in this section shall be in addition to any other required fishing license and they shall expire on December 31st of the calendar year in which they are issued.~~

~~Funds received from the sale of licenses authorized under this section shall constitute an "Atlantic Sea Run Salmon Restoration Fund," so~~

called, to be expended under the direction of the commission for the sole purpose of improving conditions affecting this species. Said funds shall not lapse; but funds so collected in any year may be used in that or any succeeding year for said purpose.

All rules and regulations promulgated under authority of this section shall be enforced by coastal wardens and inland fish and game wardens, each of whom shall have jurisdiction in either the coastal or inland waters.

Whoever violates any provision of this section or any rule and regulation promulgated hereunder shall be subject to a fine of not less than \$10 nor more than \$30 for each offense.

~~The license provision of this section shall become effective January 1, 1948.~~

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 14, 1949

Chapter 225

AN ACT Relating to State Owned Cars.

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

Sec. 1. R. S., c. 14, § 29, amended. The 1st sentence of section 29 of chapter 14 of the revised statutes, as repealed and replaced by chapter 390 of the public laws of 1947, is hereby amended to read as follows:

'The state shall provide no automobiles for travel of employees; provided, however, that this section shall not apply to the governor, the state police, department of inland fisheries and game, department of sea and shore fisheries, inspectors in the motor vehicle division of the secretary of state, supervisors in the Maine forestry district, highway department, nor to such heads of departments or members of commissions as the governor and council may from time to time designate.'

Sec. 2. R. S., c. 14, § 29, amended. The last paragraph of section 29 of chapter 14 of the revised statutes, as repealed and replaced by chapter 390 of the public laws of 1947, is hereby amended to read as follows:

'All state owned cars under the control of the supervisor of travel shall display a marker or insignia, approved by the secretary of state, plainly designating them as state owned vehicles; provided, however, that the gov-