

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

If the buildings for which county funds have been expended under this section are sold, the proceeds must be expended on services and programs for retarded children.

Effective October 1, 1969

Chapter 253

AN ACT Relating to Operation of Purse Seines Within Territorial Waters of Washington County.

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

R. S., T. 12, § 4209, additional. Title 12 of the Revised Statutes is amended by adding a new section 4209, to read as follows:

§ 4209. Purse seines in Washington County

The use of a purse seine within the territorial waters of Washington County is prohibited from April 10th to October 15th each year.

For the purpose of this section a purse seine is defined as any seine or net which is over 400 feet in length and rigged with a purse line to draw in the bottom of the seine.

Whoever violates this section shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than 30 days, or by both.

Effective October 1, 1969

Chapter 254

AN ACT to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have Been Granted to Others or Where Municipalities Fail to Act.

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

Sec. 1. R. S., T. 12, § 3708, additional. Title 12 of the Revised Statutes is amended by adding a new section 3708 to read as follows:

§ 3708. Commissioners of Sea and Shore Fisheries and Inland Fisheries and Game authorized to manage and lease certain alewife fishing rights

The Commissioners of Sea and Shore Fisheries and Inland Fisheries and Game are authorized to develop, manage or lease alewife fishing rights in those areas of the State where the Legislature has not granted the rights to municipalities or others, or where any municipality which has been granted such rights exclusive or otherwise, and fails to use them, all as provided in this section.

1. Loss of alewife rights by municipality. When any municipality has the rights to the taking of alewives, exclusive or otherwise, and fails to take action through its legislative body on those rights prior to April 1st of any calendar year, then that municipality loses its rights to the taking of alewives during that calendar year and for the following calendar year.

2. Commissioners to notify municipality. When the commissioners decide to manage or lease any alewife fishing rights where a municipality has had those rights and has failed to act as provided in subsection 1, they shall so notify the clerk of the municipality in writing.

3. Commissioners may lease rights, conditions of lease, unlawful acts. The commissioners may lease any such rights to any person, persons, firm or firms, corporation or corporations, as they feel to be in the best interest of the State. All such leases are to be in writing, signed by the commissioners and the lessee and must set forth in detail the exact conditions under which the alewives may be taken, all in accordance with good conservation practices.

A. It is unlawful for any person holding such a lease to violate any of its terms or to cause the same to be done.

B. It is unlawful for any person to molest the fishing equipment of any such lease holder or to interfere with the fishing rights granted by the lease.

4. Migratory Fish Fund; allocation of leasing fees. A fund to be known as the Migratory Fish Fund is established, and all fees received by the commissioners from alewife leasing rights are allocated to that fund.

A. The commissioners may expend any and all of the money allocated to the Migratory Fish Fund from time to time for the building of fishways for alewives and other migratory fish and for the construction of other facilities for the improved environment of alewives and other migratory fish for the general propagation and conservation of alewives and other migratory fish, and in general to enhance the fishing industry concerned with alewives and other migratory fish through research.

B. Migratory Fish Fund does not lapse. Fees so collected or allocated in any one year may be used in that year or any succeeding year.

Sec. 2. P. & S. L., 1959, c. 155, §§ 36-A, 37-39; 41-44, 44-A; 54-55; 62-67; 67-A; 76; 76-A; 77-79; 103-A; 104-105; 107-108; 108-A, amended. Section 36-A, as enacted by section 1 of chapter 26 of the private and special laws of 1963 and as amended, sections 37 to 39, sections 41 to 44, section 44-A, as

enacted by chapter 55 of the private and special laws of 1965, sections 54 and 55; sections 62 to 67; section 67-A, as enacted by chapter 43 of the private and special laws of 1961, section 76, section 76-A, as enacted by chapter 11 of the private and special laws of 1967, sections 77 and 78, as amended, section 79, section 103-A, as enacted by chapter 167 of the private and special laws of 1965; sections 104 and 105, sections 107, and 108, as repealed and replaced by chapter 179 of the private and special laws of 1961, and section 108-A, as enacted by chapter 58 of the private and special laws of 1965, all of chapter 155 of the private and special laws of 1959, are amended by adding at the end of each said section, the following paragraph:

This section is subject to the Revised Statutes of 1964, Title 12, section 3708, as amended.

Effective October 1, 1969

Chapter 255

AN ACT Relating to the Open Season on Beaver.

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

R. S., T. 12, § 2360, amended. The 2nd paragraph of section 2360 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

Whenever the commissioner shall cause the beaver season to be lengthened, shortened or closed, he shall cause said change in the season, or closing of the season, to be reduced to writing and publish the same once in a newspaper having state-wide circulation and once in a newspaper published in the county where the waters are situated and which are affected thereby. Said publications shall be prior to October 15th preceding such lengthening, shortening or closing of the beaver season. The commissioner shall file a certified copy of any change in the regular beaver season, or closing of the season, with the Secretary of State and with the clerk of the Superior Court of the county in which the waters affected are situated prior to November 1st preceding such lengthening, shortening or closing of the beaver season. If unusual conditions should adversely affect the beaver population in any area of the State during an open season, the commissioner may declare an emergency and close the season at any time. The commissioner shall, prior to November 1st of each year, forward to the holder of each state-wide trapping license an abstract of the forthcoming beaver season.

Effective October 1, 1969