

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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6. Education and training opportunities. In the development of the employability plan, all available education and training opportunities, including, but not limited to, opportunities available through the use of funds other than those available under the Work Incentive Welfare Employment, Education and Training Program shall be considered. Consistent with federal law and regulation, a waiver of any federal time limitation on training shall be requested from the appropriate federal authority when such a waiver is necessary to allow the registrant to complete the education or training program set forth in the employability plan. Work Incentive Program benefits shall continue to be provided to any person for whom such a waiver is granted for the duration of their participation in the training for which the waiver was granted.

Sec. 8. 22 MRSA §3778, ¶¶2 and 3, as enacted by PL 1981, c. 617, §6, are repealed.

Effective July 25, 1984.

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## CHAPTER 731

H.P. 1516 - L.D. 1991

AN ACT to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance.

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

Sec. 1. 12 MRSA §6525, as enacted by PL 1977, c. 661, §5, is repealed.

Sec. 2. 12 MRSA §6525-A is enacted to read:

§6525-A. Setting near weirs or stop seines

1. Setting nets or seines near weirs. It is unlawful for any person, other than the weir owner or his crew members, to set or assist in setting any net or seine within 2,000 feet of the mouth of a weir in operating condition whose operator is validly licensed under section 6501 and when the weir is licensed under Title 38, chapter 9.

2. Exception. Stop seining is permitted in any cove that does not have a weir even when the seine is less than 2,000 feet from a weir in another cove.

3. Cove name and designation. The commissioner shall prepare a map of areas of the State, where weirs are used as a method of fishing, which fixes the location of each weir and designates the boundaries of each cove in which those weirs are located. The map shall be provided to municipalities by the commissioner. Owners of licensed weirs and applicants for a license shall receive a map at cost. When an applicant for a license finds no designation on the map of cove boundaries for the cove where he wants to construct a weir, the municipal officers from the city or town within which the weir will be located shall notify the commissioner of the intended location of the weir on the map. The commissioner shall designate boundaries for the cove.

4. Limitation on location of weirs. Weirs shall be licensed according to the following.

A. After the effective date of this Act, no weir may be licensed for construction which is less than 2,000 feet from an existing weir.

B. Weirs which were licensed in 1983 and preceding years may continue to be licensed even when they are located less than 2,000 feet from an existing weir.

C. Any weir licensed in 1983 and preceding years for which the license expired as provided in section 1023 shall be required to be licensed as a new weir as provided in paragraph A.

5. Limitation on purse seining. No person may purse seine within 2,000 feet of a licensed weir in operating condition, except that no person may purse seine for herring within one mile of a weir in operating condition that is licensed prior to the effective date of this section.

Sec. 3. 12 MRSA §6571, sub-§2, as amended by PL 1983, c. 108, is repealed.

Sec. 4. 38 MRSA §1022, first ¶ is amended to read:

Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, may apply in writing to

the municipal officers thereof, stating the location of the weir, the boundaries of the cove in which the weir will be constructed as identified on a map prepared by the commissioner, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said the officers shall give at least 3 days' public notice thereof in a newspaper, published in the town, or, if there is no newspaper published in the town, in a newspaper published within the county, and shall therein designate a day and time on which they will meet on or near the premises described, to examine the same and hear all parties interested. If, upon such examination and hearing of all parties interested, said the officers decide that such erection or extension would not be an obstruction to navigation or 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 shall first give bond to the town, with sureties, in the sum of ~~\$500~~ \$5,000, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Said The municipal officers shall, within 10 days after the date of hearing, give written notice by registered mail 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 provided, may appeal to the Superior Court within 10 days after the mailing of such written notice. The court shall set a time and place for hearing and give notice thereof in the same manner as provided for a hearing before the municipal officers. The decision of said the court shall be communicated within 10 days after the date of hearing to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located. This decision shall be binding on said the municipal officers, who shall issue a license, if so directed by the decision of said the court, within 3 days after said the decision has been communicated to them. If said the appeal is sustained by said the court 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 one year after the termination of the license, as provided in section 1023, any person can

remove the same without charge against said the owner, his heirs or assigns.

Sec. 5. 38 MRSA §§1023 and 1025 are amended to read:

§1023. Expiration of license

The license for the building or extension of a fish weir or trap issued under section 1022 or any right or privilege granted by the Legislature for the building or extension of any such fish weir or trap shall terminate and become void unless such weir or trap shall be built within one year from the date of the license or the granting of such right or privilege, and maintained and operated in good faith for some part not less than 30 days from July 15th of each year thereafter. A weir that is not under active construction by July 15th in any year shall not be considered a weir for the remainder of the year. Written notice to the municipality and the commissioner shall be made by the licensee 7 days prior to when the fish weir is being cleaned or repaired, during the 30-day period stating the dates totaling no more than 7 days, that the weir is not maintained and operated. The weir may be removed from operating condition at any time due to adverse weather conditions. The commissioner shall, by July 25th each year, report to the municipality the name of the licensed owner and location of each weir and whether the weir was in operating condition on July 15th of that year.

§1025. Recording of documents; compensation to officers

The application provided for in section 1022, with the notice and proceedings thereon and the license granted, shall be recorded in said the town and a copy provided to the commissioner by the applicant. Reasonable compensation shall be paid by said the applicant to the municipal officers for their services and expenses and to the clerk for recording, and if license is granted, \$5 additional shall be paid therefor by said the applicant to said the town.

Sec. 6. Resolves 1983, c. 26 is repealed.

Effective July 25, 1984.

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