

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

Chapter 470.

CHAP. 470.

An act to prevent the destruction of fish in Chandler's river.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. From and after the passage of this act, no person shall be allowed to take any salmon, shad or alewives in the waters of Chandler's river, with any large net, seine, spears or scoop-nets, or in any weir, between sunrise on Friday of each week, and sunrise on Tuesday of each succeeding week, under a penalty of twenty dollars for every barrel or less quantity of salmon, of fifteen dollars for every barrel or less quantity of shad, of five dollars for every barrel or less quantity of alewives, so taken.

Fish, destruction of, in Chandler's river, prohibited.

Penalty.

SECT. 2. The owner or owners of all weirs and other machines placed in said waters, for the purpose of taking said fish, shall cause the same to be kept open from sunrise on Friday of each week till sunrise on Tuesday of each succeeding week, under a penalty of fifty dollars for each offence.

Weirs, &c., to be kept open.

SECT. 3. No person shall build or place in said waters, any box or trap-weir, nor build or place therein a weir of any kind, higher than a half tide weir, under a penalty of one hundred dollars.

—how built.

Penalty.

SECT. 4. It shall be the duty of each town and plantation, through which said river passes, at their annual meeting in March or April, to choose three or five suitable persons for a fish committee, who shall be sworn faithfully and impartially to discharge the duties required of them by this act. And any such town or plantation neglecting to choose such a committee, shall forfeit a sum not less than fifty, nor more than one hundred dollars.

Towns, &c., duties of.

Neglect of, forfeiture.

SECT. 5. There shall be a good and sufficient fish way for the passage of salmon, shad and alewives, made over or around every dam in or across said river, or any of its branches, where said fish have usually passed, by the owner or occupant of said dam. And said fish ways shall be kept open at all times between the fifteenth day of May and the fifteenth day of July in each year, and at such other times as said committee shall deem necessary for any of said fish to pass up or down said river. And any owner or occupant of such dam, who shall neglect or refuse to make or keep open such fish ways as are above required, shall forfeit and pay for every such offence the sum of two hundred dollars. And if such owner or occupant shall neglect or refuse to make and keep open such fish ways after ten days notice in writing by any of said committee, the said committee are hereby authorized to build and keep open such fish ways, and to recover of said owner or occupant the necessary expenses thereof, with interest at the rate of one per cent. per month, by an action of the case ; *provided*, that no person shall be required to make such passage way for salmon in any dam in which there is

Fish way to be built.

—when to be kept open.

—in case of neglect.

Forfeiture.

—in case of neglect after notice.

—committee authorized to build, &c., fish ways.

Proviso.

CHAP. 470.

none at this time, before the fifteenth day of May, one thousand eight hundred and sixty-one.

Eel weirs prohibited.

SECT. 6. No person shall erect any eel weir in any part of said river or its branches, or in any of the lakes, from or through which said river or any of its branches may flow, so as to stop or impede the passage of the young fish in returning down said river under a penalty of ten dollars.

Act, violation of, &c.

SECT. 7. All nets, seines, craft, boats, barrels and salt used in taking or securing fish in violation of this act, and all fish so taken shall be forfeited, and may be seized by said committee or any one of them, when so used, and shall be proceeded against as directed in the act prescribing the mode of recovering forfeitures of personal property, liable thereto by law.

Fish, taking of, prohibited.

SECT. 8. No person shall take fish of either of the kinds aforesaid within four rods of any dam, or within three rods of the entrance of any fish way under penalty of a sum not less than two nor more than twenty dollars.

Penalty.

Resistance of committee.

SECT. 9. If any person shall resist such fish committee, or either of them, in the execution of the duties prescribed by this act, he shall forfeit a sum not less than thirty, nor more than fifty dollars.

—forfeiture.

Fish, towns, &c., may prohibit taking of.

SECT. 10. The inhabitants of every town and plantation, through which said river passes, are empowered, at any legal meeting, by their vote, to prohibit all persons other than inhabitants and residents of the same from taking any of the fish aforesaid, within the limits of such town or plantation. Any person, who shall take any of said fish contrary to the vote of such town or plantation, shall forfeit a sum not less than two dollars, nor more than ten dollars for each barrel or less quantity of fish by them so taken.

—forfeiture.

Towns, &c., authorized to dispose of privilege, &c.

SECT. 11. The inhabitants of every town and plantation through which said river passes, are hereby authorized to dispose of the privilege of taking fish within the limits of such town or plantation, at the annual meeting of said town or plantation, held in March or April, in such way as they shall at said meeting determine; *provided* that no such town or plantation shall permit the taking of fish at any other times than are permitted in the first section of this act.

Proviso.

If committee neglect or refuse to perform duty.

SECT. 12. If such fish committee or either of them, shall neglect or refuse to perform any of the duties required by the provisions of this act, they or either of them neglecting or refusing as aforesaid, shall forfeit and pay a sum not less than thirty, nor more than one hundred dollars.

—forfeiture.

Fish, tainted or offensive.

SECT. 13. If any person having taken any alewives from said waters, or purchased any so taken, and shall permit them to become tainted and offensive to the inhabitants, he shall forfeit and pay the sum of twenty dollars for every such offence.

—forfeiture.

Penalties, how recovered.

SECT. 14. The penalties imposed by this act may be recovered

by action of debt, one half to the use of the poor of the town or plantation wherein the offences shall have been committed, and the other half to the use of the person who shall sue therefor.

CHAP. 471.

—how appropriated.

[Approved March 20, 1860.]

Chapter 471.

An act to authorize the city of Bangor to aid in the construction of the Aroostook Railroad.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. The city of Bangor is hereby authorized to loan its credit to the Aroostook Railroad Company, in aid of the construction of their railroad, not exceeding however the sum of fourteen thousand dollars per mile, upon their compliance with the following terms and conditions.

City of Bangor authorized to loan its credit to the Aroostook Railroad Company.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within three years from its approval produce evidence satisfactory to the mayor and aldermen of said city for the time being that the sum of fifty thousand dollars has been subscribed to the stock of said company, to be expended in the construction of their road, and the purchase of the right of way, then such fact shall be certified by the mayor and aldermen to the city treasurer, and he shall forthwith issue to the directors of said company for the purpose of completing said road, the scrip of said city, payable to the holders thereof at the expiration of thirty years from the date thereof, at the rate of fourteen thousand dollars per mile, not to exceed the sum of eight hundred and fifty thousand dollars with coupons for interest attached, payable semi-annually; *provided however*, that the whole amount of said scrip shall not exceed the sum of eight hundred and fifty thousand dollars; *and provided further*, that said scrip may be subdivided and issued in lieu thereof, for such sums as the parties may deem expedient. And one hundred and forty thousand dollars of said scrip may be issued on the completion of ten miles of said road, and one hundred and forty thousand dollars more on the completion of each additional ten miles from its point of departure towards Mattawamkeag point till the whole sum is exhausted, to be applied to the construction of its line between Mattawamkeag point and its southern terminus.

Terms and conditions.

Scrip, when payable.

—amount of, &c.

—how payable.

Proviso.

Further proviso.

Scrip, when to be issued.

—how applied.

SECT. 3. Concurrent with the delivery of said scrip as aforesaid, the president and directors of said company, in their official capacity shall execute and deliver to said city treasurer the bond of said company in the penal sum of fifteen hundred thousand dollars pay-

Bond for, and payment of, &c.