

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1870.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1870.

CHAP. 157.

Chapter 157.

An act additional to "an act to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage."

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

Public laws 1870, chap. 117, relating to drainage, not to affect pending actions.

SECT. 1. The act entitled "an act to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage," approved by the governor on the tenth day of March, eighteen hundred and seventy, shall not be applied to nor have any effect, operation or force, in any case in which a suit at law or in equity involving the question of the right of any person or corporation to construct, continue or deepen any drain, was pending in any court in this state when said act was approved.

SECT. 2. This act shall take effect when approved.

Approved March 21, 1870.

Chapter 158.

An act to amend an act entitled "an act to regulate the river and interior fisheries," approved March twelfth, eighteen hundred and sixty-nine.

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

Public laws 1869, chap. 70, sect. 4, relating to fishways, amended. Proceedings when disagreement between fish commissioner and owner of dam relative to fishway.

SECT. 1. Section four of chapter seventy of the public laws of eighteen hundred and sixty-nine, is amended, by adding at the end of said section the words, "provided, that in case of a disagreement between the commissioner of fisheries and the owner of any dam as to the propriety and safety of the plan submitted to the owners of such dam for the location and the construction of the fishway, such owner may appeal to the county commissioners of the county where the dam is located, if he does so within thirty days after notice of the determination of the commissioner or person authorized by him, and not otherwise, and at the request of the commissioner of fisheries, the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties, and shall give due notice thereof; and after such hearing they shall decide the question submitted and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If they decide against the owner their cost shall be paid by him, otherwise by the county," so that said section, as amended, shall read as follows :

'Sect. 4. Every dam or other artificial obstruction in any river or stream naturally frequented by salmon, shad or alewives, shall be provided by the owner or occupant thereof with a durable and efficient fishway, of such form and capacity and in such location as may be determined by the commissioner of fisheries or by any person authorized by him to determine the same. It shall also be incumbent on the owner or occupant of the dam to keep the fishway in repair and open and free from obstruction for the passage of fish during such times as may be prescribed by law; *provided* that in case of a disagreement between the commissioner of fisheries and the owner of any dam as to the propriety and safety of the plan submitted to the owners of such dam for the location and construction of the fishway, such owner may appeal to the county commissioners of the county where the dam is located, if he does so within thirty days after notice of the determination of the commissioner or person authorized by him, and not otherwise; and at the request of the commissioner of fisheries the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties, and shall give due notice thereof, and after such hearing they shall decide the question submitted and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If they decide against the owner their cost shall be paid by him, otherwise by the county.'

SECT. 2. All orders issued by said commissioner for opening a fishway in any dam and not yet complied with, are suspended during the time allowed by this act for an appeal, and no longer, and within thirty days after the passage of this act, the owner of such dam may make his appeal to the county commissioners, as provided in the preceding section; if they affirm the order of the commissioner on fisheries, they shall fix the time not longer than six months, in which such fishway shall be completed; but if they disaffirm such order, it shall be void.

Appeal from existing orders of fish commissioner.

SECT. 3. This act shall take effect when approved.

Approved March 21, 1870.

Chapter 159.

An act to amend chapter eleven of the revised statutes, relating to the employment of teachers.

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

SECT. 1. Sections ten, forty-eight, fifty-four and fifty-five of the eleventh chapter of the revised statutes, and the items or

R. S., chap. 11, sects. 10, 48, 54, 55, and part of 53,