

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:
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1870.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1870.

'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,

CHAP. 159.

relating to school committees and agents, repealed.
R. S., chap. 11, sect. 11, relating to penalty for town failing to elect committees or supervisors.

R. S., chap. 11, sect. 22, relating to commencement of school, amended.

R. S., chap. 11, sect. 31, relating to portion of money for summer school, amended.

R. S., chap. 11, sect. 49, item 1, relating to notice of examination of teachers, amended.

R. S., chap. 11, sect. 49, item 11, relating to classification of scholars, amended.

R. S., chap. 11, sect. 53, item 3, relating to duties of agents, amended.

R. S., chap. 11, sect. 53, item 4,

specifications marked "second" and "fourth" of the fifty-third section of the same chapter are hereby repealed.

SECT. 2. The eleventh section of the same chapter, is amended, so as to read as follows :

'Sect. 11. Any town failing to elect members of superintending school committee or supervisor, as required by law, shall forfeit not less than thirty nor more than two hundred dollars.'

SECT. 3. The fifth specification or item of section twenty-two of the same chapter, is amended, so as to read as follows :

'Fifth—To instruct the superintending school committee or supervisor at what time the schools shall commence, if they find it practicable.'

SECT. 4. The thirty-first section of the same chapter, is amended, so as to read as follows :

'Sect. 31. A school district at a legal meeting may determine what proportion of their school money shall be expended for the support of a summer school, and the superintending school committee or supervisor shall expend it accordingly, if practicable.'

SECT. 5. The first item or specification of section forty-nine of the same chapter, is amended, so as to read as follows :

'First—They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or the publication for a like length of time of said notice in one or more of the county newspapers having the largest circulation in the county. They shall employ teachers for the several districts in the town and notify the several school agents of the teachers employed and the compensation agreed to be paid.'

SECT. 6. The eleventh item or specification of section forty-nine of the same chapter, is amended, so as to read as follows :

'Eleventh—Determine what description of scholars shall attend each school, classify them, and transfer them from school to school in districts where more than one school is kept at the same time and no district committee is elected, and may authorize the admission of scholars in one district into the schools of another district.'

SECT. 7. The third item or specification of section fifty-three of the same chapter, is amended, so as to read as follows :

'Third—To provide fuel and utensils necessary for the schools, and make repairs upon the school houses and out-buildings and procure insurance of the same if the district so direct; but no more than one-tenth of the money apportioned to the district shall be expended for such repairs in one year, exclusive of fuel and insurance.'

SECT. 8. The fourth item or specification of section fifty-three of the same chapter, shall read as follows :

Fourth—He shall, within the year for which he is chosen, perform all the duties required of him by law, and if he refuses or neglects so to do, as far as practicable, the municipal officers on complaint of any inhabitant of the district, and after due notice and investigation, may appoint a special agent to discharge such duties, who shall be duly sworn, have all the powers and perform all the duties of school agent for the district.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

Approved March 22, 1870.

CHAP. 160.

relating to duties of agents, amended.

Inconsistent acts repealed.

Chapter 160.

An act amendatory of "an act to amend chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-six, relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy.

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

SECT. 1. Section two of "an act relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy, is hereby amended, so as to read as follows:

'Sect. 2. At each annual meeting of said society it shall elect by ballot a president, secretary, treasurer, trustees and other necessary officers.'

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

Approved March 22, 1870.

Public laws, 1870, chap. 106, relating to State Agricultural Society, amended.

Officers.

Chapter 161.

An act relative to the selection and empaneling of juries for the trial of civil causes and criminal cases other than capital.

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

SECT. 1. A jury for the trial of each civil cause and of every criminal case other than capital, shall be empaneled in the manner hereinafter provided, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 2. When any such civil or criminal case is in order for trial, and before proceeding to its trial, the clerk, under the direction of the court, may, at the request of either party, place the names of all jurors who are legally summoned and in attendance, and not engaged in the trial of any other cause, separately upon

Empaneling of juries.

Proceedings in civil and criminal cases except capital.