

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 3

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

shall not be considered a weir for the remainder of the year. (R. S. c. 86, § 8. 1959, c. 281, § 1.)

**Effect of amendment.**—The 1959 amendment added the last sentence to this section.

**Sec. 11. Extension of weirs and wharves; application to herring weirs and traps.**—No fish weir, trap or wharf shall be extended, erected or maintained except in accordance with sections 7 to 11. No fish weir, trap or wharf shall be erected or maintained in tidewaters below lowwater mark in front of the shore or flats of another without the owner's consent, under a penalty of \$50 for each offense, to be recovered in a civil action by the owner of said shore or flats. This section and sections 7 to 10 apply to all herring weirs and traps, but do not apply to other weirs or traps, the materials of which are chiefly removed annually, provided such weirs or traps do not obstruct navigation nor interfere with the rights of others. This section shall not affect any wharves so erected or maintained on the 21st day of April 1901. (R. S. c. 86, § 11. 1961, c. 317, § 296.)

**Effect of amendment.**—The 1961 amendment divided the former first sentence of this section into two sentences, deleted "the provisions of" formerly preceding "sections 7 to 11" in the present first sen-

tence, substituted "a civil action" for "an action of debt" in the present second sentence and substituted "sections 7 to 10" for "the 4 preceding sections" in the present third sentence.

**Sec. 12. "Fish weir" defined.**—The words "fish weir" mentioned in sections 7 to 11 are defined to be a fixed structure erected and maintained during part of each fishing season in the tidewater, constructed of at least 25 spiling or stakes fastened together by binders, surrounded by brush, lath racks or netting, forming the catch pound into which fish are led or guided by one or more fixed leaders constructed of spiling or stakes not more than 20 feet apart and at least 100 feet long, fastened together by binders surrounded by lath racks, brush or netting and from which catch pound they cannot readily escape. (1947, c. 257. 1959, c. 281, § 2.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

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## Chapter 99.

### Pilots. Ship Owners. Port Wardens. Lighters and Harbors.

#### Ship Owners.

**Sec. 5. Ship owner's liability to freighters.** — No ship owner is answerable beyond the amount of his interest in the vessel and freight for the embezzlement, loss or destruction, by the master and mariners, of any property put on board of such vessel, nor for any act of theirs without his privity or knowledge. If several owners of property on the same voyage suffer such damage, and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or the owner of the vessel, or any of them, may file a complaint for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto. (R. S. c. 87, § 5. 1961, c. 317, § 297.)

**Effect of amendment.**—The 1961 amendment divided this section into two sentences, substituted "file a complaint" for

"prosecute a bill in equity" in the present second sentence and made other minor changes in the section.

**Port Wardens.**

**Sec. 12. Jurisdiction; performing duties of port wardens without authority.**—In the cities and towns for which they are elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in this chapter. Any other person who performs or attempts to perform any such duties in any city or town wherein there is a port warden forfeits for each offense \$100, to be recovered in a civil action by any prosecutor. (R. S. c. 87, § 12. 1961, c. 317, § 298.)

**Effect of amendment.**—The 1961 amendment divided this section into two sentences and substituted “a civil action” for “an action of debt” in the present second sentence.

**Lighters and Harbors.**

**Sec. 14. Using lighters without marks and for falsely marking.**—The master or owner who uses his craft without such marks prescribed in section 13 and any person who falsely marks any such boat or lighter forfeits \$50 to be recovered by any prosecutor in a civil action. (R. S. c. 87, § 14. 1961, c. 317, § 299.)

**Effect of amendment.**—The 1961 amendment substituted “section 13” for “the preceding section” and “a civil action” for “an action of debt” in this section.

**Sec. 16. Throwing ballast into roadstead, port or harbor; or taking stone from shore or island without consent.**—No master of any vessel shall throw overboard ballast in any road, port or harbor, under penalty of \$60, and no person shall take any stone or other ballast from any island, beach or other land, without consent of the owner, under a penalty of not more than \$7 for each offense, to be recovered in a civil action by any prosecutor,  $\frac{1}{2}$  for himself and  $\frac{1}{2}$  for the town where the offense is committed. (R. S. c. 87, § 16. 1961, c. 317, § 300.)

**Effect of amendment.**—The 1961 amendment substituted “a civil action” for “an action of debt” in this section.

**Chapter 100.****Miscellaneous Provisions Relating to Towns.**

Sections 7-A to 8. Public Dumping Grounds.  
 Sections 68-A to 68-J. Pin Ball Machines.  
 Sections 69-A to 69-F. Mechanical Rides.  
 Section 71-A. Drive-In Theaters.  
 Sections 79-A to 79-D. Closing-Out Sales.  
 Sections 84 to 92-A. Auctions and Auctioneers.  
 Sections 136-A to 136-F. Trading Stamp Companies.

**Town Hospitals. Sanatoriums.**

**Sec. 7. Sanatorium or hospital for infectious diseases.** — No person, firm or corporation shall establish or maintain within the populous districts of any city or town in this state any sanatorium or hospital designed for the treatment of persons suffering from tuberculosis or other infectious or contagious disease, unless approval has been obtained from the municipal officers of the city or town in question and from the department of health and welfare. Any person, firm or corporation found guilty of violating this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more