

# MAINE STATE LEGISLATURE

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CHAPTER 313  
FISHWAYS AND DAMS

Sec.

- 2201. Construction and repair of fishways; appeals.
- 2202. Tampering with, injuring or destroying fishways.
- 2203. Notice to commissioner of building of dam.
- 2204. Tampering with, injuring or destroying dams.
- 2205. Bulldozing of rivers, streams and brooks.

**§ 2201. Construction and repair of fishways; appeals**

Whenever the commissioner shall deem it expedient, he may require a fishway to be provided, erected, maintained, repaired or altered by the owners or occupants of any dam or other artificial obstruction above tidewater in any inland waters frequented by salmon, landlocked salmon, shad, alewives or other migratory fish.

Fourteen days' written notice of hearing shall be given to one or more of the owners or occupants of any dam or obstruction.

Hearing shall be held by the commissioner or such subordinate officer of the department as the commissioner may designate, at a time and place selected by the commissioner.

After hearing, the commissioner by written order may require the owners or occupants of said dam or obstruction to provide, erect, maintain, repair or alter a suitable fishway, and he shall further prescribe the time during which said fishway shall be kept open for the passage of fish, under such conditions as shall be specified in said written order. The commissioner may amend the order, changing the time during which said fishway shall be kept open. Certified copies of the orders and any amendments shall be mailed to the owners or occupants of said dam or obstruction.

If any owner or occupant neglects or refuses to join in proportion to his interest therein in erecting, maintaining, repairing or altering such fishway so ordered and required, the other owners or occupants shall do so and shall have a civil action against such delinquents for their proportion of the expense thereof. If all owners and occupants refuse or neglect to do so, the commissioner may do so and shall have a civil action against all delinquents for their proportion of the expense thereof or the commissioner may petition the Superior Court, in the county

where said dam or other artificial obstruction exists, to enforce any such order or to restrain any violation thereof. Whenever delinquent owners or occupants reside out of the State, said amounts may be recovered as penalties by libel against said dam or obstruction and the land on which it stands, filed in the Superior Court in the county where said land is located, in the name of the commissioner, such notice to be given of the pendency thereof as the court orders. The court may render judgment therein against said dam, obstruction and lands for said penalties and costs and order a sale thereof to satisfy such judgment and costs, including costs of sale, subject to all said requirements for the erection, maintenance and repair of said fishway.

Any owner or occupant may, within 14 days after any order of the commissioner, appeal to the Superior Court from any such order. The appellant shall when the appeal is taken include in the complaint a statement setting forth substantially the facts of the case. If any such appeal is denied, full costs may be taxed against the appellant.

R.S.1954, c. 37, § 13; 1955, c. 275; 1961, c. 317, § 77.

### § 2202. Tampering with, injuring or destroying fishways

Whoever without authority from the commissioner tampers with a fishway, closes a fishway to fish migration, introduces foreign objects into a fishway, or damages or destroys a fishway, shall be punished by a fine of not more than \$100.

1963, c. 279, § 1.

### § 2203. Notice to commissioner of building of dam

No person shall build any dam or other obstruction in any of the rivers, streams or brooks of this State without first filing written notice with the commissioner.

R.S.1954, c. 37, § 14.

### § 2204. Tampering with, injuring or destroying dams

Whoever without authority from the commissioner tampers with any dam owned or operated by the department, opens or closes gates or sluiceways, adds or removes flashboards, or otherwise damages or destroys such dams, shall be punished by a fine of not more than \$100.

1963, c. 279, § 2.

**§ 2205. Bulldozing of rivers, streams and brooks**

Whoever bulldozes or causes to be bulldozed between the banks of a river, stream or brook in excess of 500 feet in length in any one mile, measured along the thread of the stream, without first obtaining permission therefor from the commissioner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500.

R.S.1954, c. 37, § 22; 1957, c. 392, § 4.