

MAINE STATE LEGISLATURE

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DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1866.

FORTY-FIFTH LEGISLATURE.

SENATE.

No. 17.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

AN ACT to protect menhaden and other fish in the waters
of Maine.

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

SECTION 1. No person, except as hereinafter pro-
2 vided, shall set or use any seine within three miles of
3 the shore in any waters of this state, for the purpose
4 of taking menhaden or porgies, under a penalty of not
5 less than one hundred nor more than five hundred dol-
6 lars, and the forfeiture of all vessels, boats, craft and
7 apparatus employed in such unlawful fishing, for each
8 offence ; but a net of no more than one hundred and
9 forty meshes deep shall not be deemed a seine.

SECT. 2. The county commissioners may grant a

2 written permit to any person or persons to take with a
3 seine or seines, within the waters of their county,
4 menhaden or porgies for bait, or for the purpose of
5 their being manufactured into oil or guano on the land
6 within the limits of this state ; and such permits shall
7 expire in one year from their date, and shall not be
8 transferable ; and the person or persons receiving
9 such permit, shall pay therefor to the county in which
10 it is granted, if they are to use a seine of seventy-five
11 fathoms or less in length, ten dollars ; if of more than
12 seventy-five and less than one hundred fathoms in
13 length, fifteen dollars ; if of one hundred or more fath-
14 oms in length, twenty dollars ; and shall exhibit said
15 permit at all times when required by any trial justice,
16 constable or other peace officer, and upon refusal shall
17 forfeit for each refusal the sum of twenty-five dollars.

SECT. 3. Any person who shall cast or deposit or
2 cause to be thrown or deposited into any of the navi-
3 gable waters of this state, any pumice, scraps or other
4 offal, or impure water arising from the making of oil
5 from menhaden or herring, shall pay a fine of not less
6 than fifty nor more than one thousand dollars for each
7 offence.

SECT. 4. All vessels, boats, crafts and apparatus, of
2 any kind, employed in violation of any of the provis-

ions of this act, shall be liable for any fines and cost ;
and it shall be lawful, for any person or persons, to
seize and detain said property, not exceeding thirty-
six hours, that the same may be attached by due pro-
cess of law, to satisfy any judgment that may be ren-
dered in the writ.

SECT. 5. All penalties and forfeitures named in this
act, may be recovered in an action of debt, in the
name and to the use of the county, or in the name of
any person suing therefor ; one half of such fine and
forfeiture to be paid to the person prosecuting, and the
other half to the county where the offence is com-
mitted.

SECT. 6. All acts and parts of acts inconsistent with
this act are hereby repealed.

SECT. 7. This act shall take effect when approved
by the governor.

STATE OF MAINE.

IN SENATE, February 10, 1866.

Reported by Mr. HAMOR, from the Committee on Fisheries,
and on his motion laid on the table, and 350 copies ordered to be
printed for the use of the Legislature.

THOMAS P. CLEAVES, *Secretary.*