

MAINE STATE LEGISLATURE

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July 25, 1945

To:
George J. Stobie, Commissioner
Inland Fisheries and Game

. . . My opinion is that those farmers who have streams running through their land can build a farm fishpond on their land for the purpose of raising fresh water fish. However, they must be careful not to damage the land-owners below or above them by building such dam. Under the provisions of Chapter 166, R. S. 1944, provision is made for the recovery of damages for the flowing or diversion of water, and it is my opinion that without legislation your department cannot supply fish for the stocking of these private ponds, as these private ponds would not be under your jurisdiction, except in case they should contain migratory fish. In that case, your department could order fishways installed on these waters.

I respectfully call your attention to Sections 53 and 54, relating to cultivation of useful fish by individuals, of Chapter 33, R. S. 1944, as revised by the present legislature. . . .

Ralph W. Farris
Attorney General

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