

# MAINE STATE LEGISLATURE

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# FORTY-NINTH LEGISLATURE.

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HOUSE.

No. 106.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

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AN ACT to regulate the taking of porgies or menhaden  
in the waters of Maine.

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

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

SECT. 2. 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 arising from the making of oil or slivers for bait,  
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. 3. All penalties and forfeitures named in this  
2 act, may be recovered by indictment or action of debt  
3 in the name and to the use of the county in which the  
4 offence was committed; and there shall be a lien on  
5 all boats, vessels, crafts, and apparatus of any kind  
6 found in the possession of any persons violating any of  
7 the provisions of this act, whether owned by him or  
8 not; and they may be attached in such action, and  
9 held to respond to the judgment for the penalties, for-  
10 feitures and costs in this act, as in other cases, and  
11 any trial justice on complaint, may cause the arrest of  
12 the accused, and seizure of the property alleged to be  
13 forfeited, and detain the same until a trial may be had  
14 in the proper courts; and in case of conviction, the  
15 said property shall be decreed forfeited to the uses  
16 aforesaid, to be sold in the manner as goods taken on  
17 execution, and (except on the offence specified in  
18 section one of this chapter) the balance, after deduct-  
19 ing fines and costs, shall be paid to the persons legally  
20 entitled to receive it.

PORGIES OR MENHADEN.

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SECT. 4. Chapter thirty-six of the public laws of  
2 eighteen hundred and sixty-nine, are hereby repealed.

SECT. 5. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

Reported from the Committee on Fisheries, by Mr. STOVER,  
and printed under the rules.

S. J. CHADBOURNE, *Clerk.*