

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 140.

Strike out all after the enacting clause and insert as follows :

SECTION 1. The provisions of this act and the act to
2 which this is additional, shall apply to all the fresh
3 waters of this state above the flow of the tide, and to
4 all the tidal waters frequented by the various species
5 of fresh water and migratory fishes, with such excep-
6 tions as may be hereinafter mentioned.

SECT. 2. The thirteenth section of the act to which
2 this is additional shall be subject to the following limi-
3 tation : in the Kennebec and Androscoggin rivers and
4 tributaries, any weir, hedge, pound or other structure
5 for taking fish may extend into water deeper than two
6 feet at ordinary low water, under the following condi-
7 tions, namely : that no such structure, which in any
8 part thereof extends into water deeper than two feet at
9 ordinary low water, shall extend further than seventy-
10 five feet from low water mark toward the middle of the
11 channel on which it is situated, nor shall occupy more
12 than one-eighth part of the breadth of the river, stream

13 or channel at low water, under a penalty of not more
14 than one hundred nor less than fifty dollars.

SECT. 3. Prior to the first day of May eighteen
2 hundred seventy-two, no salmon shall be taken or fished
3 for in any manner in the Aroostook, Presque Isle and
4 Meduxnakeag rivers, under a penalty of not more than
5 twenty nor less than ten dollars, and a further penalty
6 of ten dollars for every salmon so taken.

SECT. 4. Whoever shall take any black bass during
2 the months of April, May and June, or at any time
3 from their spawning beds, shall forfeit for each offence
4 not more than twenty nor less than five dollars, and a
5 further penalty of one dollar for each black bass so
6 taken.

SECT. 5. No smelts shall be taken or fished for in
2 any other manner than by hook and line or dip-net,
3 between the first day of March and the first day of
4 November of each year, under a penalty of not more
5 than fifty nor less than ten dollars for each offence.

SECT. 6. No net, other than a dip-net, whose meshes
2 are smaller than one inch square in the clear, shall be
3 used in any waters frequented by migratory fishes, be-
4 tween the first day of March and the first day of No-
5 vember in any year, under a penalty of not more than
6 twenty nor less than ten dollars for each offence.

SECT. 7. Any riparian proprietor may, within the

2 limits of his own premises, inclose the waters of a
3 stream not navigable, for the cultivation of useful
4 fishes; *provided*, he furnishes a suitable passage for
5 migratory fishes naturally frequenting such waters,
6 and does not obstruct the passage of boats and other
7 craft and materials in places where the same have a
8 right to pass.

SECT. 8. Any person legally engaged in the artifi-
2 cial culture and maintenance of fishes, may take them
3 in his own waters how and when he pleases, and may
4 at all times sell them for these purposes, but shall not
5 sell them for food at seasons when the capture of such
6 fish is prohibited by law.

SECT. 9. Whoever fishes in that portion of a pond,
2 stream or other water in which fishes are lawfully arti-
3 ficially cultivated or maintained, without the permis-
4 sion of the proprietor, shall forfeit not more than fifty
5 nor less than ten dollars and one dollar for every fish
6 so taken.

SECT. 10. The governor with the advice of the
2 council shall appoint fish wardens wherever the same
3 may be necessary. It shall be the duty of such war-
4 dens to enforce the provisions of all public laws re-
5 lating to fisheries; they shall have all the powers
6 given to fish wardens by section eleven of chapter
7 seventy of the public laws of eighteen hundred sixty-

8 nine ; each person so appointed shall hold office for
9 three years unless sooner removed, and his pay shall
10 be fixed by the governor and council, who shall audit
11 his accounts and cause the same to be paid from the
12 state treasury ; *provided*, that the total amount paid
13 to all the wardens shall not exceed one thousand dol-
14 lars annually.

SECT. 11. Chapter seventy of the public laws of eigh-
2 teen hundred sixty-nine is hereby amended by striking
3 out sections one, nine, ten, fourteen and thirty-one.

SECT. 12. Said chapter is further amended in the
2 twelfth section by inserting after the word " closetime "
3 in the twelfth line the words " to the intent that dur-
4 ing said weekly closetime the fish may have a free
5 and unobstructed passage through such weir or other
6 structure, and no contrivance shall be placed in any
7 part of such structure which shall tend to hinder such
8 fish."

SECT. 13. Said chapter is further amended in the
2 thirtieth section by striking out the words " the
3 stream from Walker's pond in Brooksville," and the
4 words " that portion of the Penobscot river and its
5 tributaries below Orphan's island, also the Kennebec
6 river below Lee's island," so that said section as
7 amended shall read as follows :

8 *Sect. 30.* The following waters and their tributaries

9 are exempt from the operation of the provisions of
10 this act relating to the migratory fishes, and the su-
11 pervision of fishways by the commissioners, that is to
12 say: Royall's river in North Yarmouth; Sewall's
13 pond or its outlet in Arrowsic; Nequasset stream in
14 Woolwich; Damariscotta river; Duck trap stream in
15 Lincolnville and Belmont; the Eastern Penobscot
16 river in Orland; Winslow's and Leach's streams in
17 Penobscot; all waters in Vinalhaven, Bluehill, Tre-
18 ment, Mount Desert, Eden, Franklin and Sullivan;
19 Tunk river in Steuben; Pleasant river in Washington
20 county; East Machias river, and Cobscook or Orange
21 river in Whiting.

SECT. 14. The following waters are exempt from
2 those provisions of this act and of chapter seventy of
3 the public laws of eighteen hundred sixty-nine, which
4 relate to the capture of salmon, shad and alewives;
5 namely, Dennys' river and its tributaries, and Pin-
6 maquan river and its tributaries.

SECT. 15. The provisions of sections twenty-two,
2 twenty-four, twenty-five and twenty-nine of the act
3 to which this is additional shall apply to this act.

SECT. 16. All acts relating to fisheries in the stream
2 from Gray's pond or Walker's pond in the towns of
3 Sedgwick and Brooksville, and all other acts and parts

4 of acts inconsistent with the provisions of this act are
5 hereby repealed.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 19, 1870. }

Amendment to an act additional to chapter 70, public laws of 1869, to regulate the river and interior fisheries, proposed by Mr. HAMMOND of Westbrook, and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*