

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 33.

STATE OF MAINE.

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

AN ACT to amend an act entitled “an act to regulate the river and interior fisheries,” approved March twelfth, eighteen hundred and sixty-nine.

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

SECTION 1. Section four of chapter seventy of the
2 public laws of eighteen hundred and sixty-nine, is
3 amended by adding at the end of said section the
4 words :—“ *Provided*, that in case of a disagreement
5 between the commissioner of fisheries and the owner
6 of any dam as to the necessity or safety of the con-
7 struction of the fishway, such owner may appeal to
8 the county commissioners of the county where the
9 same is located, and at the request of the commis-
10 sioner of fisheries, the senior commissioners in office of

11 any two adjoining counties shall be associated with
12 them, who shall appoint a time to view the premises
13 and hear the parties, and shall give due notice thereof;
14 and after such hearing they shall decide the question
15 submitted and cause record to be made thereof, and
16 their decision shall be final. If they decide against
17 the owner their cost shall be paid by him, otherwise
18 by the county," so that said section as amended shall
19 read as follows :

20 *Sect. 4.* Every dam or other artificial obstruction
21 in any river or stream naturally frequented by salmon,
22 shad or alewives, shall be provided by the owner or
23 occupant thereof with a durable and efficient fishway,
24 of such form and capacity, and in such location as
25 may be determined by the commissioner of fisheries
26 or by any person authorized by him to determine the
27 same. It shall also be incumbent on the owner or
28 occupant of the dam to keep the fishway in repair,
29 and open, and free from obstruction for the passage of
30 fish during such times as may be prescribed by law ;
31 provided that in case of a disagreement between the
32 commissioner of fisheries and the owner of any dam
33 as to the necessity or safety of the construction of the
34 fishway, such owner may appeal to the county com-
35 missioners of the county where the dam is located, and
36 at the request of the commissioner of fisheries the

37 senior commissioners in office of any two adjoining
38 counties shall be associated with them, who shall ap-
39 point a time to view the premises and hear the parties,
40 and shall give due notice thereof; and after such
41 hearing they shall decide the question submitted, and
42 cause record to be made thereof, and their decision
43 shall be final. If they decide against the owner their
44 cost shall be paid by him, otherwise by the county.

SECT. 2. All orders issued by said commissioner for
2 opening a fishway in any dam and not yet complied
3 with, are suspended; and within thirty days after the
4 passage of this act, the owner of such dam may make
5 his appeal to the county commissidners, as provided
6 in the preceding section; if they affirm the order of
7 the commissioner of fisheries, they shall fix the time
8 in which such fishway shall be completed; but if they
9 disaffirm such order, it shall be void.

SECT. 3. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 24, 1870.

Reported from the Committee on Manufactures, by Mr. GIBBS
of Cumberland, and printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*