

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

SENATE.

No. 51.

STATE OF MAINE.

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

[H. R. 86.] AN ACT for the protection of land-locked salmon, trout and bass.

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

SECTION 1. There shall be an annual close-time for
2 land-locked salmon, commonly so-called, trout, black
3 bass and Oswego bass, in all of the waters of this
4 state, as follows, viz : For land-locked salmon from
5 the fifteenth day of September to the first day of
6 March following ; for trout, from the first day of Octo-
7 ber to the first day of March following ; and for black
8 bass and Oswego bass, from the first day of April to
9 the first day of July following.

SECT. 2. No person shall at any time catch, take,
2 kill or fish for any land-locked salmon, trout, black
3 bass or Oswego bass, by means of any grapnel, spear,

4 trawl, weir, net, seine, trap, set line, either through
5 the ice or otherwise, or with any device or in any
6 other way, than by the ordinary way of hand fishing
7 with a single baited hook and line or with artificial
8 flies, under a penalty of not less than ten nor more
9 than thirty dollars for each offence, and a further fine
10 of one dollar for each fish so caught, taken or killed.
11 And all set lines, grapnels, spears, trawls, weirs, nets,
12 seines, traps and devices other than fair angling as
13 aforesaid, are hereby prohibited on the fresh water
14 lakes, ponds and streams of this state; and when
15 found in use or operation on said lakes, ponds or
16 streams, they are hereby declared forfeit and contra-
17 band, and any person finding them in use in said
18 waters, is hereby authorized to destroy the same.

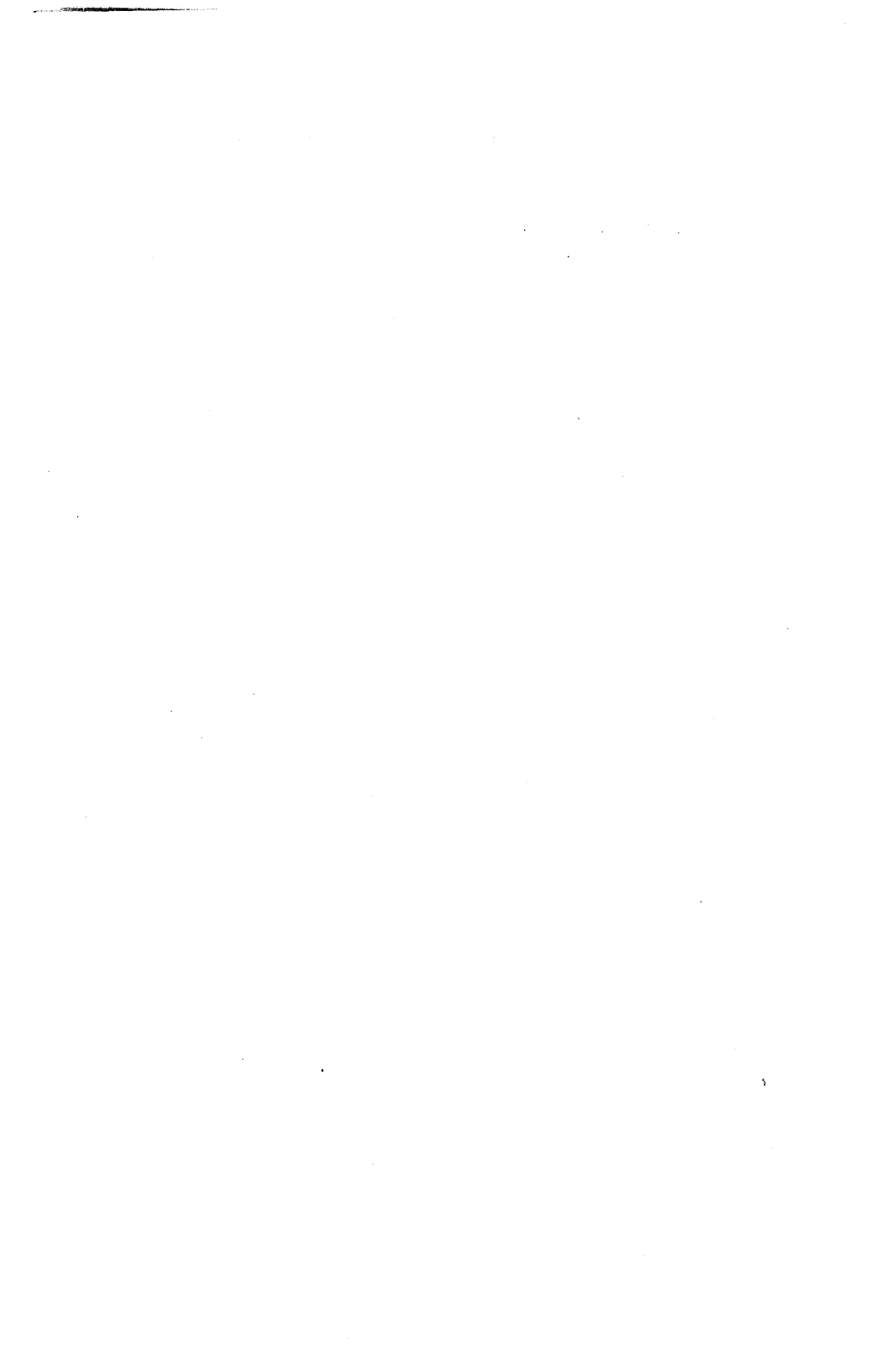
SECT. 3. No person shall catch, take, kill, expose
2 for sale or have in possession, except alive, any land-
3 locked salmon between the fifteenth day of September
4 and the first day of March, following, or any trout
5 between the first day of October and the first day of
6 March following, or any black bass or Oswego bass
7 between the first day of April and the first day of July
8 following, under a penalty of not less than ten dollars,
9 nor more than thirty dollars, and a further fine of one
10 dollar for each fish thus caught, taken, killed, exposed
11 for sale or in possession, except as aforesaid.

SECT. 4. All penalties imposed under the provisions
2 of this act may be recovered with costs of suit by any
3 person or persons in his or their own name, before any
4 municipal or police court or trial justice in the county
5 where the offence is committed, or the defendant
6 resides, or such penalties may be recovered by an
7 action in the superior court of the county of Cumber-
8 land or in the supreme court of this state, which
9 actions shall be governed by the same rules as other
10 actions in said courts, except that upon a recovery by
11 the plaintiff or plaintiffs in such suit in said courts,
12 full costs shall be allowed to such plaintiff or plaintiffs,
13 without regard to the amount of such recovery ; and
14 any judge of the supreme court, superior court of
15 Cumberland county, or of any police or municipal
16 court, and any trial justice is authorized upon receiving
17 sufficient security for costs on the part of the com-
18 plainant, and sufficient proof by affidavit of the violation
19 of any of the provisions of this act, by any person
20 being temporarily within his jurisdiction, but not re-
21 siding therein, only any person whose name and
22 residence are unknown to the complainant, to issue his
23 warrant and have such offender committed or held to
24 bail to answer the charge against him. Any penalties
25 when collected shall be paid by the court before which
26 conviction shall be had, one-half to the county where

27 conviction is obtained, and the remainder to the prose-
28 cutor. On the non-payment of the penalty, the
29 defendant shall be committed to the common jail of
30 the county for a period of not less than ten days, and
31 at the rate of one day for each dollar of the amount of
32 the judgment where the sum is over ten dollars in
33 amount; and it shall be the duty of any county
34 attorney in this state, and he is hereby required to
35 commence actions for the recovery of the penalties
36 allowed and imposed in this act upon receiving proper
37 information; and in all actions brought by such county
38 attorney one-half of the penalty recovered and collected
39 shall be paid to the person giving information on
40 which the action is brought, and the other half to the
41 county where conviction is obtained; this clause, how-
42 ever, not to preclude any person from bringing suit to
43 recover or enforce any of the penalties named in this
44 act, without the aid or intervention of any county
45 attorney.

SECT. 5. Nothing in this act shall be construed to
2 prevent any person from lawfully catching fish in
3 waters owned by them for the purpose of stocking
4 other waters, or to prevent the fish commissioners or
5 their agents, duly authorized, from lawfully taking
6 fish at any time or in any manner for the purposes of
7 propagation or for stocking other waters.

SECT. 6. All acts and parts of acts conflicting with
2 this act, are hereby repealed.



STATE OF MAINE.

IN SENATE, February 11, 1876.

Reported from the Committee on Fisheries by Mr. THOMPSON
of York, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*