

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

STATE OF MAINE.

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

AN ACT to regulate and protect fisheries, and propagation of fish.

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

SECTION 1. The taking of mackerel, herring, porgies or 2 menhaden, or fishing therefor by the use of purse and drag 3 seines, is hereby prohibited in all waters over which the 4 State of Maine has jurisdiction, except in waters outside 5 of a straight line drawn from headland to headland, under 6 a penalty upon the master or person in charge of such 7 seine or seines, of not less than one hundred nor more 8 than three hundred dollars, and the forfeiture of all 9 vessels, boats and apparatus used in such unlawful pur- 10 suit ; but a net for meshing mackerel or porgies, of not 11 more than one hundred meshes in depth, and a net for 12 meshing herring, of not more than one hundred and 13 seventy meshes in depth, shall not be deemed a seine.

SECT. 2. All penalties and forfeitures named in the pre- 2 ceding section, may be recovered by indictment or action 3 of debt ; and one-fourth part of the penalty or forfeiture 4 recovered or imposed shall be for the benefit of the com- 5 plainant or party prosecuting, and the remaining three-

6 fourths to the county in which the proceedings are com-
7 menced.

SECT. 3. All sheriffs, deputy sheriffs, constables and fish-
2 wardens, are hereby authorized and required to serve all
3 warrants and precepts to them directed for the arrest and
4 detention of all persons charged with violating any of the
5 provisions of section one ; also, to seize all vessels, boats
6 and apparatus used by the person or persons arrested for
7 such illegal fishing, and to keep the same to abide the order
8 of court thereon, subject to the exceptions hereinafter made.
9 All such officers shall have the same authority to require
10 all necessary aid to execute such warrants and precepts,
11 and to seize and keep such property as sheriffs now have
12 in the service of criminal processes, and shall be allowed
13 the same fees for said services as are now given by law to
14 said officers, in addition to the emoluments hereinafter
15 provided ; and in all cases where an officer finds any per-
16 son or persons violating section one, he is authorized to
17 arrest such person or persons and seize such vessels, boats
18 and apparatus without a warrant, and to safely keep such
19 person or persons and property until he can procure a
20 warrant. Said officer shall use due diligence in procuring
21 such warrant, and making return of his doings thereon.

SECT. 4. Any officer making such arrest and seizure,
2 and finding any fish or property on board such vessels or
3 boats, other than the apparatus used in fishing, shall im-
4 mediately notify the owner or person in charge of such
5 vessels and boats, to remove such fish and other property,
6 and if the same is not removed within twelve hours after
7 said notice, such officer may make such disposition of all
8 fish on board as he may deem proper, and shall remove
9 such other property to some proper place on shore, and it
10 shall then be at the risk of the owner.

SECT. 5. At any time after such seizure, if the owner
2 or claimant desires to retain possession of such vessel,
3 boats, and other apparatus, he may notify such officer in
4 writing of such fact, and request an appraisal of the same,

5 whereupon such officer shall immediately prepare a sched-
6 ule of all property then detained by him, and cause three
7 disinterested men, acquainted with the nature of the prop-
8 erty detained, to be appointed, one to be selected by the
9 owner or claimant, one by the officer making the seizure,
10 and one by any trial justice or justice of the peace of the
11 county where the property is detained; such justice to be
12 notified to make such selection by the officer in charge.

SECT. 6. The appraisers shall be duly sworn by the
2 officer, or some other proper person, and shall as soon as
3 may be appraise such property, to be shown them by such
4 officer, and certify under their hands the cash value of the
5 same, one copy of their appraisal to be by them given to
6 the officer, and one copy to the owner or claimant. Said
7 appraisers shall receive two dollars per day for said ser-
8 vices, to be paid them by the officer, and to be by him
9 charged with his fees on his warrant or precept; there-
10 upon, at the request of such owner or claimant, the prop-
11 erty shall be given up to him, provided said owner or
12 claimant shall first deliver to said officer a bond in double
13 the value of said appraisal, by him duly signed and sealed,
14 with good and sufficient sureties, approved in writing on
15 said bond by the clerk of the supreme judicial court for
16 the county in which said appraisal is made, conditioned that
17 said principal shall pay or cause to be paid to the treasurer
18 of said county or his successor in said office, the amount
19 of said appraisal on demand of said treasurer or his suc-
20 cessor, as soon as a judgment of said court decreeing a
21 forfeiture of such property shall have been entered of
22 record; said bond to be returned into court by the officer
23 and placed on file by the clerk.

SECT. 7. On conviction of any person or persons of a
2 violation of section one, the court before which such
3 prosecution or indictment is had shall decree all property
4 so seized by such officer to be forfeited, and shall order
5 all such property, not enlarged by giving such bond, to be
6 sold at public auction by the officer seizing the same, or

7 by any sheriff or deputy sheriff within said county, subject
8 to such conditions as to notice as the court may order ;
9 all sums realized from such sale, less the legal cost attend-
10 ing the seizure, forfeiture, and sale of such property, shall
11 be promptly paid to the treasurer of such county by such
12 officer, to be by such treasurer appropriated and paid out
13 as is provided for herein.

SECT. 8. In cases where property has been seized where
2 no prosecutions have been commenced, indictments found,
3 or judgment for plaintiff rendered, or convictions on the
4 indictments obtained, the court may at its discretion,
5 order all property so seized to be returned by some officer
6 to the owner or claimant on demand of such owner or
7 claimant ; and such order shall constitute a bar to any
8 actions that have been or may be commenced against the
9 officer for making such seizure or detaining such property ;
10 but in all cases where property has been seized, indict-
11 ments found, or prosecutions commenced, and the party
12 indicted or prosecuted is not in the custody or jurisdiction
13 of the court, so that no conviction or judgment has been
14 obtained, the court shall cause such notice as they deem
15 proper to be given, notifying all persons interested to
16 appear at a time and place designated in said notice, and
17 show cause, if any they have, why a forfeiture of said
18 property should not be decreed, and a sale of the same
19 made as hereinbefore provided. At the time of such
20 hearing the court may, on default, or otherwise, make a
21 decree of forfeiture of said property, cause the same to
22 be entered of record, and order a sale thereof, subject to
23 the conditions hereinbefore made, or make such other
24 decree as in its judgment justice demands relative to a
25 return of the property, subject to the previous conditions
26 as to an order of return.

SECT. 9. In case of the death of any officer making
2 such seizure, or having such property in charge, any
3 officer mentioned in this chapter residing in the county
4 where the property is detained may take the possession

5 of all property seized and detained, and do any other acts
6 in the premises, the same as the original officer making
7 said seizure.

SECT. 10. The governor, with the advice of the council,
2 shall appoint one or two persons, as they may think best,
3 to be commissioners of fisheries, who shall hold office for
4 three years, unless sooner removed, and have a general
5 supervision of the fisheries, regulated by the preceding
6 and following sections. He or they shall examine dams
7 and all other obstructions existing in all rivers and
8 streams in the state, and determine the necessity of fish-
9 ways, and the location, form and capacity thereof; shall
10 visit those sections where fisheries regulated by this act
11 are carried on, and examine into the working of the laws;
12 shall introduce and disseminate valuable species of fish
13 into the waters of this state where they do not exist,
14 and perform all other duties prescribed by law. He
15 or they shall report annually, on or before the thirty-
16 first day of December, to the governor, who shall cause
17 three thousand copies to be printed. He or they shall
18 receive one thousand dollars and travelling and other ex-
19 penses necessarily incurred in connection with his or their
20 duties, which shall be audited by the governor and council,
21 and it shall be his or their duty to see that all violations
22 of the fish laws of the state are duly prosecuted.

SECT. 11. Every dam or other artificial obstruction in
2 any river or stream naturally frequented by salmon, shad
3 or alewives, shall be provided by the owner or occupant
4 thereof with a durable and efficient fish-way, of such form
5 and capacity, and in such location as may be determined
6 by the commissioners of fisheries. It shall also be incum-
7 bent on the owner or occupant of the dam to keep the fish-
8 ways in repair, and open and free from obstruction for the
9 passage of fish, during such times as may be prescribed
10 by law; provided that in case of disagreement between
11 the commissioners of fisheries and the owner of any dam,
12 as to the propriety and safety of the plan submitted to the

13 owners or occupant of such dam for the location and con-
14 struction of the fish-way, such owner or occupant may
15 appeal to the supreme judicial court in the county where
16 the dam is located, within twenty days after notice of the
17 determination of the commissioners, by giving to the com-
18 missioners notice in writing of such appeal within that
19 time, stating therein the reasons therefor, and at the re-
20 quest of the appellant or the commissioners, said court or
21 any justice thereof in vacation may appoint three commis-
22 sioners to hear and determine the appeal, who shall as
23 soon as may be give due notice to the parties of the time
24 and place of hearing, and after such hearing shall decide
25 the question submitted, and may affirm or reverse, in
26 whole or in part, the requirements of said commissioners
27 of fisheries, and make their report as soon as may be to
28 the clerk of said court, which when accepted by the court
29 or any justice thereof in vacation, and ordered recorded,
30 shall be final, and no exceptions shall be allowed to the
31 order of the court or justice thereof in the premises. If
32 the requirements of the commissioners are affirmed, the
33 appellant shall be liable for the costs arising after the
34 appeal, otherwise the costs shall be paid by the county.

SECT. 12. If a fish-way thus required to be built is not
2 completed to the satisfaction of the commissioners within
3 the time specified, any owner or occupant shall forfeit not
4 more than one hundred nor less than twenty dollars for
5 every day between the first day of May and the first day
6 of November, during which such neglect continues.

SECT. 13. On the completion of any fish-way to the
2 satisfaction of the commissioners, or at any subsequent
3 time, they shall prescribe in writing the time during
4 which the same shall be kept open and free from obstruc-
5 tion to the passage of fish each year, and a copy thereof
6 shall be served on some owner or occupant of the dam.
7 The commissioners may change the time as they see fit.
8 Unless otherwise provided, a fish-way shall be kept open
9 and unobstructed from the first day of May to the fifteenth

10 day of July of each year. The penalty for neglecting to
11 comply with the provisions of this section or any regula-
12 tions made in accordance herewith, shall be not less than
13 twenty nor more than one hundred dollars for every day
14 such neglect continues.

SECT. 14. In case the commissioners find any fish-way
2 out of repair or needing alterations, they may, as in case
3 of new fish-ways, require the owner or occupant to make
4 such repairs or alterations; and all the proceedings in
5 such cases, and the penalty for neglect, shall be as pro-
6 vided in the eleventh, twelfth and thirteenth sections, with-
7 out right of appeal.

SECT. 15. In case the dam is owned or occupied by more
2 than one person, each shall be liable for the cost of erect-
3 ing and maintaining such fish-way, in proportion to his
4 interest in the dam, and if any owner or occupant shall
5 neglect or refuse to join with the others in erecting or
6 maintaining such fish-way, the other owner or owners or
7 occupants shall erect or repair the same, and shall have an
8 action of case against such delinquent owner or occupant
9 for his share of the expenses thereof.

SECT. 16. If the owner or occupant of such dam resides
2 out of the state, said penalties may be recovered by a libel
3 against the dam and land on which it stands, to be filed in
4 the supreme judicial court in the county where the same
5 is located, in the name of the commissioners of fisheries
6 or any fish warden, who shall give to the owner or occu-
7 pant of the dam, and all persons interested therein, such
8 notice as the court or any justice thereof in vacation shall
9 order, and the court may render judgment therein against
10 said dam and lands for said penalties and costs, and order
11 a sale thereof to satisfy such judgment and costs of sale,
12 subject however to all said requirements for the erection,
13 maintainance or repair of the fish-way.

SECT. 17. The governor, with the advice of the council,
2 shall appoint fish wardens where the same may be neces-
3 sary, who shall enforce the provisions of all public laws

4 relating to fisheries ; prosecute for all offences that come
5 to their knowledge ; and they shall have a right at all
6 times to visit any dam, or any weir or other apparatus for
7 taking fish ; and in the exercise of their duties shall have
8 the same right to require aid that sheriffs and their depu-
9 ties have in executing the duties of their office, and any
10 person neglecting to render it when required shall forfeit
11 ten dollars. Each person so appointed shall hold office
12 three years, unless sooner removed, and his pay shall be
13 fixed by the governor and council, who shall audit his
14 accounts and cause the same to be paid from the state
15 treasury : provided that the whole amount paid to all
16 wardens shall not exceed fifteen hundred dollars annually.

SECT. 18. All weirs, hedges, traps, and drift or set nets,
2 in any waters over which the State of Maine has jurisdic-
3 tion, shall, between the first day of April and the fifteenth
4 day of July, in each year, be subject to a weekly close-
5 time of two days, from sunrise on Saturday to sunrise on
6 the following Monday morning ; during which time all
7 drift or set nets shall be removed from the water, and so
8 remain, and no fish shall be taken from such weirs, hedges
9 or traps. Each weir, hedge or trap, that has a flooring or
10 platform, in that part of the weir from which the fish are
11 usually taken, either of boards, net, or other material,
12 shall have an opening or gate three feet in width, extend-
13 ing from the platform or floor to the top of the weir, hedge
14 or trap, directly opposite the last entrance to that part of
15 the weir from which the fish are usually taken ; and during
16 the weekly close-time such gate or opening shall be entirely
17 unobstructed, to the intent that all fish shall have a free
18 passage through such weir or structure. And all weirs
19 not provided with platforms, shall have a gate affixed to
20 the second entrance of such weir, extending from the bot-
21 tom to the top of the weir, which gate, during the weekly
22 close-time, shall be kept closed, to the intent that the fish
23 shall be prevented from entering such weir or structure ;
24 provided, however, that the provisions of this section shall

25 not be enforced on any particular river or stream, until
 26 fish-ways are constructed to the satisfaction of the com-
 27 missioners of fisheries, in the dams across such waters.

SECT. 19. The penalties for violation of the preceding
 2 section shall be as follows: for refusing or neglecting to
 3 so construct weirs or hedges, a fine of not less than twenty
 4 nor more than one hundred dollars, and a further fine of
 5 five dollars per day for each day, after being ordered in
 6 writing to so construct by any fish warden, until such
 7 order is complied with. And for violation of the pro-
 8 vision regulating the close-time, a penalty of twenty dol-
 9 lars for the first, and forty dollars for the second offence,
 10 and upon conviction for the same the court may declare
 11 such structure a nuisance, and order any fish warden,
 12 sheriff, deputy sheriff or constable in the county to
 13 abate it.

SECT. 20. All weirs, hedges and traps, in waters over
 2 which the State of Maine has jurisdiction, shall be ren-
 3 dered incapable of taking fish, by having the nets or other
 4 covering removed from them on and after the fifteenth day
 5 of June in each year, except in the Penobscot river below
 6 Orphan's island, the Kennebec river and its tributaries
 7 below Fiddler's Reach, and upon the coast outside of any
 8 river or stream, in which localities the nets may remain
 9 upon such weirs until the fifteenth day of July in each
 10 year, but no longer.

SECT. 21. Weirs, hedges, and traps, may be placed in
 2 any depth of water which the owner thereof may choose,
 3 provided they shall in no case exceed a distance of one
 4 hundred feet from low water to the entrance of such weir,
 5 and provided, further, that no weir shall obstruct more
 6 than one-eighth part of the channel at low water; but
 7 this section shall not apply to nets used in the smelt and
 8 tomcod fishery, and subject however to the provisions of
 9 chapter seventy-eight of the acts of eighteen hundred and
 10 seventy-six, approved February eleventh, eighteen hun-
 11 dred and seventy-six.

SECT. 22. The penalty for violating any of the provisions of the two preceding sections, shall be a fine of thirty dollars, and a further fine of five dollars per day for each day that such structure shall remain in violation of law.

SECT. 23. For the period of five years from the first day of April eighteen hundred seventy-eight, no salmon, shad, alewives, or any other migratory fish, shall be taken above the flow of the tide in any waters of this state, under a penalty of not less than ten nor more than fifty dollars for each offence, and a further penalty of ten cents for each alewife so taken.

SECT. 24. No salmon, shad, alewives, or other migratory fish, shall be taken within five hundred yards of any fish-way, dam or mill-race, between the first day of April and the first day of November, in each year, except by the ordinary mode of angling with single hook and line, or artificial flies; nor shall hook and line or artificial flies be used at any time within one hundred yards of any fish-way, dam or mill-race. The penalty for violation of this section shall be a fine of not more than fifty nor less than ten dollars for each offence, and a further fine of ten dollars for each salmon, one dollar for each shad, and twenty cents for each alewife so taken.

SECT. 25. There shall be a close-time for salmon from the fifteenth day of July of each year to the first day of April following, during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty nor less than ten dollars, and a further penalty of ten dollars for each salmon so taken or killed.

SECT. 26. No smelts shall be taken or fished for in any of the tidal waters of this state, in any other manner than by hook and line, between the fifteenth day of March and the first day of November, in each year, under a penalty of not less than ten dollars nor more than thirty dollars for each offence and a further penalty of twenty cents for each

7 smelt so taken ; and all weirs for the capture of smelts
8 shall be opened, and so remain, and all nets of any kind
9 used in the smelt and tomcod fishery shall be taken from
10 the water on or before the said fifteenth day of March in
11 each year, under a penalty of not less than twenty nor
12 more than fifty dollars, and a further fine of five dollars
13 per day for each day that any such weir or net remains in
14 violation of law ; but weirs which have catch-pounds cov-
15 ered with net, the meshes of which are one inch square in
16 the clear, or greater, shall not be subject to the provisions
17 of this section.

SECT. 27. Whoever sells or offers for sale or has in his
2 possession with intent to sell, either directly or indirectly,
3 any lobster less than ten and one-half inches in length,
4 measuring from one extreme of the body extended to the
5 other, exclusive of claws or feelers, shall forfeit for every
6 such lobster five dollars ; and in all prosecutions under
7 this act the possession of any lobster not of the length
8 hereinbefore required, shall be prima facie evidence to
9 convict.

SECT. 28. Any inhabitant of this state, by obtaining the
2 consent of the adjacent riparian proprietors, may plant
3 oysters below low water mark, in any of the navigable
4 waters of the state, in places where there is no natural
5 oyster bed ; enclose such ground with stakes, set at suit-
6 able distances, and extending at least two feet above high
7 water mark, but so as not to obstruct the free navigation
8 of such waters, and have the exclusive right of taking such
9 oysters ; and if any person trespasses on such enclosure,
10 or in any way injures such oyster beds, he shall be liable
11 in an action of trespass for all the damage ; or if he takes
12 any oysters therein without the consent of the owner, he
13 shall forfeit not less than twenty nor more than fifty dol-
14 lars, or be confined in jail not exceeding three months.

SECT. 29. There shall be an annual close-time for land-
2 locked salmon, commonly so called, trout, togue, black
3 bass, Oswego bass and white perch, in the waters of this

4 state, as follows, viz : For land-locked salmon, trout and
 5 togue, on all the rivers and streams from the first day of
 6 September to the first day of May following ; on all the
 7 ponds and lakes from the first day of October to the first
 8 day of May following ; and for black bass, Oswego bass
 9 and white perch, from the first day of April to the first
 10 day of July following.

SECT. 30. No person shall at any time catch, take, kill,
 2 or fish for any land-locked salmon, trout, togue, black
 3 bass, Oswego bass, or white perch, by means of any grap-
 4 nel, spear, trawl, weir, net, seine, trap, spoon, set line,
 5 or with any device or in any other way than by the ordi-
 6 nary mode of angling with a single baited hook and line,
 7 or with artificial flies, under a penalty of not less than ten
 8 nor more than thirty dollars for each offence, and a fur-
 9 ther fine of one dollar for each fish so caught, taken or
 10 killed. And all set lines, grapnels, spears, trawls, weirs,
 11 nets, seines, traps, spoons, and devices other than fair
 12 angling as aforesaid, are hereby prohibited on the fresh
 13 water lakes, ponds and streams of this state ; and when
 14 found in use or operation on said lakes, ponds or streams,
 15 they are hereby declared forfeit and contraband, and any
 16 person finding them in use in said waters is hereby author-
 17 ized to destroy the same.

SECT. 31. No person shall take, catch, kill or fish for
 2 in any manner, any land-locked salmon, trout or togue, in
 3 any of the rivers and streams aforesaid, between said first
 4 day of September and said first day of May ; nor shall
 5 any person take, catch, kill or fish for in any manner, any
 6 land-locked salmon, trout or togue, in any other waters of
 7 this state, between the first day of October and the first
 8 day of May following ; or black bass, Oswego bass, or
 9 white perch, between the first day of April and the first
 10 day of July following, under a penalty of not less than
 11 ten dollars, nor more than thirty dollars, and a further fine
 12 of one dollar for each fish thus caught, taken or killed,
 13 as aforesaid.

SECT. 32. No person shall sell, expose for sale, or
 2 have in possession with intent to sell, or transport from
 3 place to place in this state, any land-locked salmon,
 4 trout or togue, between the third day of October and the
 5 first day of May following, or any black bass, Oswego
 6 bass or white perch, between the first day of April and
 7 the first day of July following, under a penalty of not
 8 less than ten dollars nor more than fifty dollars for each
 9 offence.

SECT. 33. Any person or persons having in possession,
 2 except alive, any land-locked salmon, trout or togue, be-
 3 tween the third day of October and the first day of May
 4 following, or any black bass, Oswego bass, or white perch
 5 between the first day of April and the first day of July
 6 following, or who shall transport from place to place
 7 within this state any land-locked salmon, trout or togue,
 8 between the third day of October and the first day of May
 9 following, or black bass, Oswego bass, or white perch,
 10 between the first day of April and the first day of July
 11 following, shall be deemed to have killed, caught, or trans-
 12 ported the same contrary to law, and be liable to the pen-
 13 alties aforesaid, but he shall not be precluded from pro-
 14 ducing proof in defence.

SECT. 34. No person shall introduce fish of any kind,
 2 except trout, fresh and salt water salmon, fresh water
 3 smelts, blue-back trout, and minnows, by means of the
 3 live fish or otherwise, to any waters now frequented by
 4 trout or salmon, except as hereinafter provided, under a
 5 penalty of not less than fifty nor more than five hundred
 6 dollars.

SECT. 35. The commissioners of fisheries may take fish
 2 of any kind at such time and place as they may choose,
 3 and in such manner, for the purposes of science and of
 4 cultivation and dissemination, and they may grant written
 5 permits to other persons to take fish for the same pur-
 6 poses, and they may introduce or permit to be introduced
 7 any kind of fish to any waters they may see fit.

SECT. 36. The commissioners of fisheries may set apart
2 any waters for the purpose of cultivation of fish, and after
3 notice published three weeks successively in some news-
4 paper published in the county where such waters are
5 located, no person shall take or kill any fish therein,
6 under a penalty of not less than ten nor more than one
7 hundred dollars, and a further penalty of one dollar for
8 each fish so taken or killed.

SECT. 37. Any person legally engaged in the artificial
2 culture and maintenance of fishes, may take them in his
3 own enclosed waters, wherein the same are so cultivated
4 and maintained, as and when he pleases, and may at all
5 times sell them for the purpose of cultivation and propa-
6 gation, but shall not sell them for food at seasons when
7 the taking of such fish is prohibited by law, under a pen-
8 alty of not less than ten nor more than one hundred dol-
9 lars, and a further penalty of not less than one dollar for
10 each fish so sold.

SECT. 38. Any person engaged in the artificial propa-
2 gation of fish known as trout, fresh and salt water salmon,
3 on any water in this state when the parent fish are taken
4 from public waters in this state, shall retain not less than
5 twenty-five per cent. of all eggs taken from said parent
6 fish, and cause the same to be properly cared for and
7 hatched, and when hatched and in proper condition, to be
8 returned to a suitable place for such young fish, in the
9 original waters from which the parent fish were taken,
10 and to cause said parent fish to be returned to safe loca-
11 tions in the waters from which they were taken, under a
12 penalty of not less than fifty nor more than five hundred
13 dollars for each offence.

SECT. 39. No person shall fish in that portion of a pond
2 or other water in which fish are artificially cultivated or
3 maintained by the written permission of the fish commis-
4 sioners, without the permission of the proprietor, under a
5 penalty of not less than ten nor more than one hundred

6 dollars, and an additional penalty of two dollars for each
7 fish so taken or killed.

SECT. 40. It shall be the duty of all sheriffs, deputy
2 sheriffs, constables and police officers, as well as fish war-
3 dens and their deputies, to cause any person or persons
4 violating any of the provisions of this chapter to be
5 promptly prosecuted for said offence, either by making
6 complaint before some trial justice, municipal or police
7 judge, or by giving information to the county attorney of
8 the county in which the offence is committed. Said
9 sheriffs, deputy sheriffs, constables, and police officers,
10 shall be allowed for said services the same fees as are now
11 prescribed by law for sheriffs and their deputies.

SECT. 41. All fines and penalties provided for in this
2 chapter, unless otherwise provided, may be recovered
3 before any competent tribunal by complaint, indictment,
4 or action of debt; and in all actions of debt commenced
5 in the supreme judicial court, or in the superior court for
6 the county of Cumberland, the plaintiff recovering shall
7 recover full cost, without regard to amount recovered.
8 Judges of municipal and police courts, and trial justices,
9 shall have concurrent jurisdiction of all offences described
10 in this chapter, when the penalty for the offence complained
11 of does not exceed thirty dollars. In cases where the offence
12 described in this chapter is alleged to have been commit-
13 ted in any river, stream, pond or lake forming a boundary
14 between two counties, or where the fish are caught in one
15 county and carried to another county, the action, complaint,
16 or indictment may be commenced and prosecuted in either
17 county. One half of all fines and penalties recovered or
18 imposed, when not otherwise provided, shall be for the
19 benefit of the party prosecuting or making complaint, and
20 the other half to the county in which the proceedings are
21 commenced and prosecuted.

SECT. 42. The provisions of this chapter shall not apply
2 to the taking of blue-back trout.

SECT. 43. Sections nineteen to fifty-nine, inclusive, of

2 chapter forty of the revised statutes; all acts amending
3 the same, or in addition thereto, and all acts and parts of
4 acts, public or private, inconsistent with this act,
5 excepting chapter seventy-eight of the acts of eighteen
6 hundred and seventy-six, approved February eleventh,
7 eighteen hundred and seventy-six, are hereby repealed:
8 saving all actions, complaints, or indictments now pend-
9 ing, or which may hereafter be commenced for the violation
10 of any such act before this act takes effect.