

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 238.

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## STATE OF MAINE.

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

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AN ACT to amend section thirty-four of chapter forty of the Revised Statutes as amended by chapter thirty-seven of the Public Laws of eighteen hundred and eighty-seven, relating to fishways.

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

SECTION 1. Section thirty-four of chapter forty of the  
2 Revised Statutes as amended by chapter thirty-seven of  
3 the Public Laws of eighteen hundred and eighty-seven is  
4 hereby further amended by striking out the word “ natu-  
5 rally,” in the second line thereof, so that said section as  
6 amended shall read as follows :

‘SECT. 34. The owner or occupant of every dam or  
8 other artificial obstruction in any river or stream fre-  
9 quented by salmon, shad, alewives or land-locked salmon  
10 shall provide the same with a durable and efficient fish-way  
11 of such form and capacity, and in such location as may,

12 after notice in writing to one or more of said owners or  
13 occupants, and a hearing thereon, be determined by the  
14 commissioners of fisheries, by written notice to some  
15 owner or occupant specifying the location, form and  
16 capacity of the required fish-way, and the time within  
17 which it shall be built; and said owner or occupant shall  
18 keep said fish-way in repair, and open and free from  
19 obstruction for the passage of fish, during such times as  
20 are prescribed by law; provided, however, that in case  
21 of disagreement between the commissioners of fisheries  
22 and the owner or occupant of any dam, as to the propriety  
23 and safety of the plan submitted to the owner or occupant  
24 of such dam for the location and construction of the  
25 fish-way, such owner or occupant may appeal to the  
26 county commissioners of the county where the dam is  
27 located, within twenty days after notice of the determi-  
28 nation, to the fishery commissioners, by giving to the  
29 fishery commissioners notice in writing of such appeal  
30 within that time, stating therein the reasons therefor, and  
31 at the request of the appellant or the fishery commissioners,  
32 the senior commissioners in office of any two adjoining  
33 counties shall be associated with them, who shall appoint  
34 a time to view the premises and hear the parties and give  
35 due notice thereof, and after such hearing they shall  
36 decide the question submitted, and cause record to be  
37 made thereof, and their decision shall be final as to the  
38 plan and location appealed from. If the requirements of  
39 the fishery commissioners are affirmed, the appellants  
40 shall be liable for the costs arising after the appeal,  
41 otherwise they shall be paid by the county.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 23, 1889. }

Reported from Committee on Fisheries and Game, by Mr. GIFFORD  
of Auburn; ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*