

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 251.

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## STATE OF MAINE.

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

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AN ACT for the Enforcement of the Laws for the Protection  
of the Lobster Fisheries.

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

SECTION 1. When any lobsters are seized by virtue of  
2 the provisions of any law of this State for the protection  
3 of the lobster fisheries, it shall be the duty of the officer  
4 making such seizure to cause such lobsters so seized, as  
5 he is not required by law to liberate, to be appraised,  
6 within twenty-four hours after the time of such seizure,  
7 by three disinterested men residing in the county where  
8 such seizure is made, to be selected by him, and the  
9 lobsters so seized and appraised shall thereupon be sold

10 by the officer making the seizure thereof at such time and  
11 in such manner as shall by him be deemed proper.

SECT. 2. The officer making such seizure and sale, shall,  
2 within ten days after the time of such seizure, file a libel  
3 in behalf of the State before a trial justice or a judge of  
4 a police or municipal court of the county in which such  
5 seizure was made, setting forth the fact of such seizure, ap-  
6 praisal and sale, the time and place of seizure, the num-  
7 ber of lobsters so seized and sold, and the amount of the  
8 proceeds of such sale; and such trial justice or judge  
9 shall appoint a time and place for the hearing on such li-  
10 bel and shall issue a notice of the same to all persons in-  
11 terested, to appear at the time and place appointed, and  
12 show cause why the lobsters so seized and sold, and the  
13 proceeds of such sale should not be declared forfeited,  
14 which notice shall be served upon the owner, if known and  
15 by causing an attested copy of such libel and notice to be  
16 posted in two public and conspicuous places in the county  
17 in which the seizure was made, seven days at least, be-  
18 fore the time of hearing.

SECT. 3. If any person appears at the time and place of  
2 hearing and claims that the lobsters so seized and sold  
3 were not liable to forfeiture at the time of seizure, and  
4 that he was entitled thereto, the trial justice or judge shall  
5 hear and determine the cause, and if he shall decide that  
6 such lobsters at the time of seizure were not liable to for-  
7 feiture and that the claimant was entitled thereto, he  
8 shall order the proceeds of such sale to be paid to the  
9 claimant; if no claimant shall appear, or if such trial jus-  
10 tice or judge shall decide that such lobsters at the time of  
11 seizure, were not liable to forfeiture, or that the claim-

12 ant was not entitled thereto, he shall decree a forfeiture  
13 of such lobsters and of the proceeds of sale, and shall or-  
14 der the proceeds of sale after deducting all lawful charges,  
15 to be disposed of as required by law, and shall render  
16 judgment against the claimant for costs to be taxed as in  
17 civil suits, and issue execution therefor against him in  
18 favor of the State which costs when collected, shall be  
19 paid into the treasurer of the county.

SECT. 4. The claimant shall have the right of appeal  
2 to the next supreme judicial court or superior court in the  
3 county, upon recognizing and paying the fees for copies  
4 and entry as in cases of appeal in criminal cases.

SECT. 5. The fees and costs of seizure, appraisal and  
2 sale, and in all other proceedings in the case, shall be as  
3 provided by law in criminal cases and in case a forfeiture  
4 shall be declared, shall be paid out of the proceeds of sale,  
5 otherwise shall be paid by the county as in criminal cases.

SECT. 6. This act shall take effect when approved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 12, 1891. }

Reported by Mr. JONES of Brooksville, from Committee on Fisheries  
and Game, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*