

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 243.

STATE OF MAINE.

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

AN ACT to prevent the destruction of Fish in the Eastern
Penobscot river in the town of Orland.

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

SECTION 1. From and after the passage of this act no
2 person shall be allowed to take any alewives in the Eastern
3 Penobscot river within the town of Orland in the County
4 of Hancock, with any large net, seine, spears, scoop nets,
5 or in any weirs between sunrise on Saturday of each week
6 and sunrise on Monday of each week under a penalty of
7 twenty cents for each and every alewife so taken.

SECT. 2. No person shall be allowed to take any ale-
2 wives in said river within said town at any time in any of
3 the locks or fish ways on said river or within twenty feet
4 from the mouth of the gates of the lock at the lower falls

5 or within fifty feet of the mouth of the fish way at the
6 upper falls on said river under a penalty of fifty cents for
7 each and every alewife so taken.

SECT. 3. No person shall be allowed to build or place
2 in or across said river below extreme low water mark or
3 in or across said river above the lower dam, any box or
4 traps, weir or nets so as to prevent said fish from passing
5 up or down said river, under a penalty of twenty-five
6 dollars.

SECT. 4. All nets, seines, craft, boats, barrels, tubs
2 and salt used in taking or securing fish in violation of the
3 provisions of this act, and all horses, wagons, carts and
4 harnesses used in moving fish taken from the lock at the
5 lower falls or the fish way at the upper falls, and all fish
6 so taken shall be forfeited, and when so used may be
7 seized by the fish committee hereinafter provided for and
8 proceeded against as in case of forfeiture of personal
9 property.

SECT. 5. The Eastern River and Sluice Company shall
2 be required from the first day of May to the twentieth
3 day of June in each year to keep open at their own
4 expense the large gates at the lower end and the small
5 gates at the upper end of said lock so as to afford suffi-
6 cient water for the fish to pass in at all times when tide
7 waters are in said lock at the lower falls, except when
8 boats, timber, rafts, spars, or other lumber may be pass-
9 ing through said gates, and to cause some suitable person
10 to attend the gates at the lock in order to lock in the fish
11 and enable those which have come into or passed through
12 the lock to go up to the fish way at the upper dam ; and
13 in case of neglect or refusal to keep open and attend said

14 gates as aforesaid, said company shall forfeit and pay the
15 sum of ten dollars for each and every day they shall so
16 neglect or refuse to keep open and attend said gates.

SECT. 6. The Eastern River and Sluice Company shall
2 be required from the first day of May to the first day of
3 July in each year at their own expense to keep the fish
4 way at the upper dam on said river in repair and running
5 order so as to enable the fish at all times to pass through
6 into the great pond, so called; and in case of neglect or
7 refusal to keep in repair and running order said fish way
8 aforesaid said company shall forfeit and pay the sum of
9 ten dollars for each and every day they shall neglect or
10 refuse to keep in repair or running order said fish way,
11 and in case said Eastern River and Sluice Company and
12 the fish committee hereinafter provided for fail to agree
13 as to what constitutes suitable repairs and running order
14 of said fish way the point in dispute shall be decided by
15 the State commissioners of fisheries.

SECT. 7. All weirs on said river now built or which
2 shall be built shall be constructed with a suitable gate,
3 which gate the owner or occupant of said weir shall keep
4 open from sunrise on Saturday of each week until sunrise
5 on Monday of each week under a penalty of ten dollars,
6 to be forfeited by said owners or occupants for each and
7 every day they shall refuse or neglect so to keep open
8 said gate.

SECT. 8. It shall be the duty of said town of Orland
2 at their annual or March meeting to choose a fish com-
3 mittee to consist of one or more persons who shall be
4 sworn to the faithful discharge of the duties required of
5 them by this act; and in case said committee are from

6 any cause unable to serve continuously they are
7 empowered to appoint one or more deputies to serve
8 during the absence of said committee; said deputy to be
9 by the town clerk sworn to the faithful discharge of the
10 duties required of them by this act; and each of said
11 committee shall be entitled to receive not to exceed one
12 dollar and fifty cents per day for the time actually
13 employed for his services and one quarter of all fines
14 collected, to be paid by said town; and if said town shall
15 neglect or refuse to choose said committee they shall
16 forfeit and pay the sum of thirty dollars for every such
17 neglect or refusal to be recovered by any person who
18 shall sue therefor in any action of debt for his use and
19 benefit in any court competent to try the same.

SECT. 9. It shall be the duty of said fish committee to
2 see that the requirements of this act are complied with and
3 to prosecute in their own name for the use and benefit of
4 said town all persons who shall be guilty of violating this
5 act, in an action of debt in any court of competent juris-
6 diction, and said fish committee shall for any wilful neglect
7 of duty forfeit and pay the sum of thirty dollars to be re-
8 covered by any person who shall sue therefor in an action
9 of debt, for his own use and benefit.

SECT. 10. All acts and parts of acts inconsistent with
2 the provisions of this act are hereby repealed.

SECT. 11. No legislation hereafter enacted shall be held
2 to effect this act unless it specifically refers thereto.

SECT. 12. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 2, 1893. } S. L. E.

Reported by Mr. BUCK of Orland, from Committee on Inland Fisheries and Game, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*