

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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SENATE.

No. 165

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to amend chapter four hundred and ninety-five of the  
Private and Special Laws of 1893, relating to the destruction  
of fish in the Eastern Penobscot River in the town of Orland.

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*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 person  
2 unless authorized by the shore fish commissioner shall be  
3 allowed to take any alewives in the Eastern Penobscot river  
4 in the town of Orland, in the county of Hancock, with any  
5 large net, seine, spear, scoop-net, or in any weirs between  
6 sunrise on Sunday of each week and sunrise on Monday of  
7 each week, under a penalty of twenty cents for each and  
8 every alewife so taken.

Sect. 2. No person shall be allowed to take any alewife in  
2 said river within said town at any time above a point five  
3 hundred yards below the lower dam, under a penalty of fifty  
4 cents for each and every alewife so taken.

Sect. 3. Any of the alewives in said river above a point five  
2 hundred yards below the lower dam may be taken by the town  
3 of Orland on Mondays and Tuesdays of each week from the  
4 first day of May to the fifteenth day of July, if the town so  
5 votes at its annual meeting.

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

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

Sect. 6. The Eastern River and Sluice Company shall be  
2 required from the first day of May to the twentieth day of  
3 June in each year to keep open, at their own expense, the large  
4 gates at the lower end and the small gates at the upper end  
5 of said lock so as to afford sufficient water for the fish to pass  
6 in at all times when tide waters are in said lock at the lower  
7 falls, except when boats, timber, rafts, spars or other lumber  
8 may be passing through said gates, and to cause some suit-  
9 able person to attend the gates at the lock in order to lock in  
10 the fish and enable those which have come into or passed

11 through the lock to go up to the fishway at the upper dam,  
12 and in case of neglect or refusal to keep open and attend said  
13 gates as aforesaid said company shall forfeit and pay the sum  
14 of ten dollars for each and every day they shall so neglect or  
15 refuse to keep open and attend said gates.

Sect. 7. The Eastern River and Sluice Company shall be  
2 required from the first day of May to the first day of July in  
3 each year, at their own expense, to keep the fishway at the  
4 upper dam on said river in repair and running order so as to  
5 enable the fish at all times to pass through into Great pond, so  
6 called, and in case of neglect or refusal to keep in repair and  
7 running order said fishway, the aforesaid company shall for-  
8 feit and pay the sum of ten dollars for each and every day they  
9 shall neglect or refuse to keep in repair and running order  
10 said fishway.

Sect. 8. All weirs on said river now built or that shall be  
2 built shall be constructed with a suitable gate which shall be  
3 at least eighteen inches wide and shall extend from the top  
4 of the pound to the bottom of the floor, which gate the owner  
5 or occupant of said weir shall keep open from sunrise on  
6 Sunday of each week until sunrise on Monday of each week,  
7 under a penalty of ten dollars to be forfeited by said owner  
8 or occupant for each and every day they shall refuse or neg-  
9 lect so to keep open said gate. All material used in building  
10 weirs shall be removed from said river on or before the first  
11 day of October, and if any owner or occupant of a weir shall  
12 refuse or neglect to remove said material he shall forfeit and  
13 pay the sum of twenty dollars, to be recovered by any person  
14 who may sue therefor in an action of debt for their use and  
15 benefit in any court competent to try the same.

Sect. 9. No mill waste, slabs, edgings, bark, chips, shav-  
2 ings, sawdust or other waste shall be thrown or put into the  
3 Eastern Penobscot river or any of its tributaries in the town  
4 of Orland, except under such rules and regulations as the

5 commissioner of sea and shore fisheries may prescribe.  
6 Whoever violates any of the provisions of this section shall  
7 be punished by a fine of not less than five dollars nor more  
8 than one hundred dollars.

Sect. 10. This act shall be enforced by the State commis-  
2 sioner of sea and shore fisheries.

Sect. 11. All acts and parts of acts inconsistent with the  
2 provisions of this act are hereby repealed.

Sect. 12. No legislation hereafter enacted shall be held to  
2 affect this act unless it specifically refers thereto.

Sect. 13. This act shall take effect when approved.

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STATE OF MAINE.

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IN SENATE, March 5, 1903.

Reported by Mr. WILSON from Committee on Shore Fisheries, and  
on motion by same Senator, laid on table to be printed.

KENDALL, M. DUNBAR, *Secretary*.