

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 174

STATE OF MAINE.

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

AN ACT for the encouragement, development and conservation
of the shellfish industry.

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

Section 1. The commissioner of sea and shore fisheries is
2 hereby authorized and directed to expend from the moneys
3 appropriated for the year 1905, for the protection of sea and
4 shore fisheries, so much thereof, not exceeding the sum of
5 one thousand dollars, as may be found necessary to make
6 such experiments as in his judgment are necessary to con-
7 serve, extend, encourage, develop, improve and increase the
8 shellfish industry in this State; and he is authorized, during
9 the year 1906, to expend from the same appropriation and
10 for the same purposes, not exceeding the sum of one thou-
11 sand dollars, if in his judgment such expenditure can be

12 judiciously made in the prosecution of the purposes and
13 objects of this act.

Sect. 2. Said commissioner, in addition to the authority
2 granted him under the provisions of section 40 of chapter 32
3 of the Revised Statutes, may, for the purposes of this act,
4 take any shore rights, flats and waters not exceeding an area
5 of two acres in extent at any one location, and hold the same
6 for a period not exceeding ten years; and such location when
7 so taken may be used by said commissioner, or by the United
8 States commissioner of fish and fisheries. In the prosecution
9 of the work of fish culture and scientific research relative to
10 shellfish, or other fish over which said commissioner now has
11 supervision; and whenever said commissioner shall deem it
12 necessary in the furtherance of the objects and purposes of
13 this act to take any such shore rights, flats and waters, he
14 shall proceed in accordance with the provisions of section 40
15 of chapter 32; and in addition thereto shall cause a copy of
16 so much of the proceedings as will show the character and
17 extent of the shore rights, flats and waters taken, and also
18 the location thereof, and time for which taken, to be posted
19 near the location, and shall also cause suitable marks or
20 ranges to be set upon the adjacent upland, so as to define,
21 as far as practicable, the limits and boundaries of the location
22 to be used in such experiments; and shall cause public notice
23 of the taking of such shore rights, flats or waters to be given
24 by publishing the fact of such taking once a week for three
25 successive weeks in a newspaper published in the county
26 where the shore rights, flats or waters are situated.

And said commissioner may take possession of by agree-
28 ment, lease or grant and under such terms and conditions as
29 may be agreed upon with the owner thereof, suitable shell-
30 fish grounds, flats, waters and water rights, not limited to
31 two acres in area, with necessary shore rights, and may use

32 and operate the same under the provisions of and for the
33 purposes of this act.

Sect. 3. The commissioner, upon the application of any
2 person or corporation interested or engaged in scientific
3 research relating to shellfish, or other fish over which the
4 commissioner has supervision, or in the cultivation and devel-
5 opment of the shellfish industry for economic purposes, set-
6 ting forth their desire to make experiments relative to the
7 cultivation and conservation of shellfish, or such other fish
8 over which the commissioner now has supervision, shall,
9 after being satisfied of the facts set out in said application,
10 and that the applicant either owns or has the consent, so far
11 as the same can be granted, of the owner of the flats, shore
12 rights and waters where such work is to be undertaken, and
13 that the granting of such rights will not unreasonably inter-
14 fere with navigation, give notice of a hearing on such appli-
15 cation, by causing the same to be published at least two weeks
16 in some newspaper published in the county where the pro-
17 posed location is situated, and stating therein the time and
18 place where such hearing will occur; and if, upon such hear-
19 ing, the commissioner is satisfied that the interests of the
20 State will be promoted by such experiments, he shall issue a
21 certificate setting apart so much of such shores, flats and
22 water privileges, not exceeding one acre in extent, to any
23 one of such applicants, and for such length of time, not
24 exceeding the period of six years, as in his judgment may
25 be necessary and proper to accomplish the ends sought to
26 be obtained.

Such certificate shall be recorded in the registry of deeds
28 of the county in which the location is situated, and the appli-
29 cant shall also cause public notice of the issuance of such
30 certificate to be given by publishing the same in a newspaper
31 published in the county where such location is situated, and
32 by posting in a conspicuous place near said location a copy

33 of such certificate, and also by placing stakes or other monu-
34 ments upon the adjoining upland, so as to designate the loca-
35 tions so set apart, as the commissioner shall in his certificate
36 specify.

Sect. 4. No person shall, during the period that such
2 shores, flats and waters are taken for the purposes of this
3 act, take, dig, fish, or in any manner destroy or interfere with
4 such fish, or interfere with the shores, flats and waters so
5 set apart, under a penalty of not less than fifty dollars, nor
6 more than one hundred dollars, for each and every violation
7 of the provisions of this act, or by imprisonment not exceed-
8 ing thirty days, or both, as the court before which proceed-
9 ings for such violation may be instituted shall determine.

Sect. 5. The penalty provided for by this act may be recov-
2 ered by complaint, indictment, or action of debt, in the name
3 of the commissioner of sea and shore fisheries, or his suc-
4 cessor in said office, and all fines and penalties recovered
5 under this act (after restoring the damages sustained by the
6 person holding such certificate) shall be paid to the State
7 treasurer, and added to the appropriation for sea and shore
8 fisheries.

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

STATE OF MAINE.

IN SENATE, March 8, 1905.

Reported by Mr. SIMPSON from Committee on Shore Fisheries and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*