

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 739

STATE OF MAINE.

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

AN ACT to amend section forty-four of chapter forty-one of
the Revised Statutes relating to the taking of smelts.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section forty-four of chapter forty-one of the
2 Revised Statutes, as amended by chapters twenty, thirty and
3 ninety-one of the Public Laws of 1905; and as further
4 amended by chapters twelve, thirty-five and one hundred
5 twenty-three of the Public Laws of 1907 is hereby further
6 amended by adding in the eleventh line after the word
7 "greater" the words 'and weirs with catch pounds covered
8 with net which are erected and used for the catching of
9 herring' so that said section as amended shall read as fol-
10 lows:

Section 44. No smelts shall be taken or fished for in tidal waters, except by hook and line, between the first days of April and October, under a penalty of not less than ten, nor more than thirty dollars for each offense, and a further penalty of twenty cents for each smelt so taken, and all weirs for the capture of smelts shall be open and so remain, and all nets used in the smelt and tomcod fishery shall be taken from the water on or before said first day of April, under a penalty of not less than twenty, nor more than fifty dollars, and a further fine of five dollars for each day that any such weir or net remains in violation of the law. But weirs with catch pounds covered with nets, the meshes of which are one inch square in the clear, or greater, and weirs with catch pounds covered with net which are erected and used for the catching of herring, are not subject to this section. But no smelts caught in such weirs after the first day of April, shall be sold or offered for sale in this State nor shall smelts caught in any manner between the first day of April and the first day of October following be offered for sale, sold or shipped from the State under a penalty of twenty-five dollars for each offense; provided, however, that dip nets may be used between the first day of April and the first day of May, and all smelts caught by dip nets between said days may be lawfully offered for sale and sold in this State; provided, further, that this section does not apply to smelts taken in the Androscoggin River above the Merrymeeting Bay bridge, or in Nar-

37 raguagus Bay or river between the first days of October and
38 November, nor to smelts taken in the Penobscot River and
39 its tributaries between the first and thirtieth days of April,
40 nor to smelts taken in Casco Bay between the fifteenth day of
41 September and the first day of October, nor to smelts taken
42 in Franklin Bay between the first day of April and the first
43 day of May, nor to smelts taken in Little Kennebec Bay, so
44 called, or in Narraguagus Bay or river, in the county of
45 Washington, between the first day of April and the first day
46 of May, nor to smelts taken in West Bay and West Bay
47 stream, so called, in the town of Gouldsboro, Hancock coun-
48 ty, between the first day of April and the first day of May,
49 nor to smelts taken in Passamaquoddy Bay, St. Croix River
50 and Cobscook Bay and the coves and inlets tributary to these
51 bays between the first day of September and the first day of
52 October.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 20, 1909.

Reported by Mr. BOWLEY from Committee on Shore Fisheries and ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.