

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 316

House of Representatives, Feb. 28, 1911.

Reported by A. A. Percy, C. E. Bowman, J. P. McCurdy and W. G. Hodgkins from Committee on Shore Fisheries. On motion of Mr. Heffron of Eastport tabled for printing pending acceptance of report.

C. C. HARVEY, Clerk.

STATE OF MAINE

AN ACT for the regulation of the herring fisheries.

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

Section 1. All boats using internal combustion engines
2 shall be equipped with mufflers.

Sect. 2. It shall be unlawful to erect or maintain fish-
2 weirs or drag nets upon any spawning ground, or ground
3 where spawning herring usually inhabit.

Sect. 3. It shall be unlawful to catch any spawn or milt
2 herring, or to sell or offer for sale any uncured spawn or
3 milt herring in quantities exceeding one hogshhead per day.

Sect. 4. It shall be lawful for lobster fishermen and
2 ground fishermen to catch herring for bait for their own
3 use, in any manner whatsoever, except with torches and ex-

4 cept within one thousand feet of weirs or traps, unless by
5 consent of the owner or owners of such weirs or traps.

Sect. 5. It shall be unlawful to catch or sell herring in
2 quantities in which the fish under four inches in length com-
3 prise more than ten per cent in bulk of the total quantity
4 caught and sold.

Sect. 6. It shall be lawful to build weirs or traps con-
2 structed of brush, twine or other material, held in place by
3 either stakes or anchors or both, which weirs or traps, shall
4 be attached to the bottom in a permanent manner, and shall
5 be fished in the same manner as the common weir is now
6 fished, provided, however, that there shall be sufficient
7 stakes used in the construction of any weir or trap to prevent
8 the use of said weir or trap, or any part of the same, for
9 dragging or seining purposes, and provided, also, that if the
10 weir has at least fifteen stakes in its construction it shall be
11 deemed sufficient to prevent such dragging or seining, and
12 provided, further, that no weir or trap shall be built within
13 one thousand feet of any part of any weir or trap already
14 built in fishing condition; and further provided that any
15 weir or trap constructed under this act shall not be removed
16 for at least seven days after same is erected.

Sect. 7. It shall be unlawful to use purse or drag seines in
2 any manner whatever in herring fishing, except that either
3 or both may be used in taking fish from weirs or traps.

Sect. 8. All brush, stakes or other material used in the
2 construction of weirs or traps which have been abandoned

3 shall be removed on or before the first day of October of
4 the year in which they have been abandoned, and they shall
5 be deemed to be abandoned if they have not been put in fish-
6 ing condition before September first of that year. This act
7 shall apply to weirs or traps which have been previously
8 abandoned. The owner or owners of now abandoned weirs
9 or traps under this section shall be liable for failure to com-
10 ply with above provisions, and shall be further liable to any
11 person injured to the full amount of the actual damage, to
12 be recovered by an action on the case in any court of com-
13 petent jurisdiction.

Sect. 9. It shall be unlawful for any person to spread her-
2 ring on the land for fertilizing except those spoiled in transit
3 or the refuse from factories, under a penalty of one dollar
4 for each bushel so used, to be recovered by an action of debt
5 or complaint for the use of the state.

Sect. 10. The provisions of the foregoing sections shall
2 not apply to any law now existing in regard to herring fish-
3 eries west of White Head, so called, on the west shore of
4 the Penobscot bay or river.

Sect. 11. The penalty for the violation of any provision
2 in this act shall be a fine of not less than five hundred dol-
3 lars and not exceeding one thousand dollars to be recovered
4 by action of debt or complaint, for the use of the state,
5 against the master or person in charge at the time of such
6 violation.

Sect. 12. All acts and parts of acts inconsistent with this
2 act are hereby repealed.