

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 530

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*House of Representatives, March 10, 1911.*

*Reported by Mr. Clark from Committee on Inland Fisheries  
and Game and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to amend Section 41 of Chapter 32 of the Revised  
Statutes relating to fishways.

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

Section 1. Section 41 of chapter 32 of the Revised Statutes is hereby amended by inserting the word 'or' after the word "shad" in the second line of said section, and by striking out the words "or land-locked salmon" in the third line of said section, so that said section, as amended, shall read as follows:

'Sect. 41. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, or alewives, shall provide the same with a durable and efficient fishway, of such form and capacity,

11 and in such location as may, after notice in writing to one  
12 or more of said owners or occupants and a hearing thereon,  
13 be determined by the commissioners of inland fisheries and  
14 game by written notice to some owner or occupant specify-  
15 ing the location, form and capacity of the required fishway,  
16 and the time within which it shall be built; and said owner  
17 or occupant shall keep said fishway in repair, and open and  
18 free from obstruction for the passage of fish, during such  
19 times as are prescribed by law; provided, however, that in  
20 case of disagreement between said commissioners and the  
21 owner or occupant of any dam, as to the propriety and safe-  
22 ty of the plan submitted to the owner or occupant of such  
23 dam for the location and construction of the fishway, such  
24 owner or occupant may appeal to the county commissioners  
25 of the county where the dam is located, within twenty days  
26 after notice of the determination from the commissioners  
27 of inland fisheries and game by giving to the latter named  
28 commissioners notice in writing of such appeal within that  
29 time, stating therein the reasons therefor; and at the request  
30 of the appellant or the commissioners of inland fisheries and  
31 game, the senior commissioners in office of any two adjoin-  
32 ing counties shall be associated with them, who shall appoint  
33 a time to view the premises and hear the parties and give  
34 due notice thereof, and after such hearing they shall decide  
35 the question submitted, and cause record to be made thereof,  
36 and their decision shall be final as to the plan and location  
37 appealed from. If the requirements of the commissioners

38 of inland fisheries and game are affirmed, the appellants  
39 shall be liable for the costs arising after the appeal, other-  
40 wise they shall be paid by the county. If a fishway thus  
41 required is not completed to the satisfaction of the com-  
42 missioners of inland fisheries and game within the time speci-  
43 fied, every owner or occupant shall forfeit not more than  
44 one hundred, nor less than twenty dollars for every day of  
45 such neglect between the first days of May and November.  
46 On the completion of a fishway to the satisfaction of the  
47 commissioners of inland fisheries and game, or at any sub-  
48 sequent time, they shall prescribe in writing the time during  
49 which the same shall be kept open and free from obstruction  
50 to the passage of fish each year, and a copy of such writing  
51 shall be served on the owner or occupant of the dam. The  
52 commissioners of inland fisheries and game may change the  
53 time as they see fit. Unless otherwise provided, fishways  
54 shall be kept open and unobstructed from the first day of  
55 May to the fifteenth day of July. The penalty for neglect-  
56 ing to comply with this section, or with any regulations  
57 made in accordance herewith, is not less than twenty, or  
58 more than one hundred dollars for every day of such neglect.'