

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 146

In Senate, March 1, 1911.

*Laid on table on motion of Mr. Mayo and ordered printed
with Senate Amendment A.*

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT for the better protection of the herring fishery.

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

Section 1. The catching, fishing for or taking of herring
2 in the waters of this state, except by the use of permanent
3 weirs or traps, is hereby prohibited under a penalty of two
4 dollars for each bushel of fish so unlawfully taken, to be re-
5 covered by complaint or action of debt for the use of the
6 state; provided, however, that fishermen may take herring
7 by dip nets and gill nets for their own use for bait, but shall
8 not so fish or otherwise interfere with fish within a distance
9 of one thousand feet of any part of any permanent weir or
10 trap.

Sect. 2. A permanent weir or trap within the meaning of

2 this act shall be construed to mean a weir or trap similar to
3 those now in common use in the tide waters of this state,
4 consisting of not less than forty stakes permanently driven
5 or ballasted and filled around with brush, twine or other
6 material, or such permanent traps as are now in common use
7 in Casco Bay.

Sect. 3. The owner or person in charge of any permanent
2 weir or trap may use seines and nets within such weir or
3 trap.

Sect. 4. It shall be unlawful to erect or maintain a fish
2 weir or trap on any herring spawning grounds.

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 or sold.

Sect. 6. In addition to the penalty provided in section one,
2 all seines and gear used in violation of the provisions of said
3 section shall be forfeited to the state, and may be seized by
4 any officer authorized to serve civil or criminal processes in
5 the place where found, and held until final judgment.

Sect. 7. Municipal and police courts and trial justices shall
2 have jurisdiction of all offences under this act.

Sect. 8. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

AMENDMENT A TO SENATE BILL, NO 133.

Amend Senate Bill No. 133 by striking out all after the
2 words "Section 1" and substituting therefor the following:

'It shall be unlawful to catch, sell, can, or have in posses-
4 sion with intent to sell, or can, herring in quantities in which
5 the fish under four inches in length comprise more than
6 twenty-five per cent in bulk of the total quantity caught,
7 sold, canned or in possession at one time.'

Sect. 2. No person shall use any purse or drag seines in
2 Casco Bay, north of a line drawn easterly from Prince's
3 Point in the town of Yarmouth to Bear Island in the town
4 of Phippsburg, excepting for smelts, but such nets, seines or
5 similar appliances may be used as are necessary in operating
6 weirs or traps.

Sect. 3. It shall be unlawful to erect or maintain a fish
2 weir or trap on any herring spawning ground.

Sect. 4. For all fish found taken in violation of this act
2 there shall be a penalty of one dollar per bushel and in addi-
3 tion thereto all seines used in violation of this act shall be
4 forfeited to the state and may be seized by any officer author-
5 ized to serve civil or criminal processes in the place where
6 found, and held until final judgment.

Sect. 5. Municipal and police courts and trial justices shall
2 have jurisdiction of all offences under this act.

Sect. 6. All acts and parts of acts inconsistent with this
2 act are hereby repealed.