

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 172

In Senate, Feb. 13, 1917.

Referred to Committee on Sea and Shore Fisheries and five hundred copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Butler of Knox.

STATE OF MAINE

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

AN ACT to Amend Sections One, Eight and Twelve of Chapter One Hundred Twenty-six of the Public Laws of Eighteen Hundred Forty-four, Relating to the Preservation of Salmon, Shad and Alewives in Georges River and Tributary Streams.

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

Section 1. Section one of chapter one hundred twenty-six
2 of the Public Laws of eighteen hundred forty-four is here-
3 by amended by adding, at the end of said section, the fol-
4 lowing: 'The failure of any one or more of said towns
5 to choose said fish warden, or wardens, or the failure of

6 the selectmen of any one or more of said towns to appoint
7 said fish warden, or wardens, shall not affect the legality
8 of any fish warden or wardens, who are chosen or ap-
9 pointed, to act under the provisions of this chapter, and
10 those chosen or appointed shall constitute the board of fish
11 wardens hereinafter referred to and have full power and
12 authority hereunder,' so that said section, as amended, shall
13 read as follows:

'Section 1. The towns of Thomaston, St. George and
2 Cushing, shall, at their meeting for the choice of town
3 officers in the months of March or April, annually, choose
4 in each town by written ballot one person, and the town
5 of Warren, shall in the same manner, choose two persons,
6 to be called fish wardens; and in case of vacancy by death,
7 resignation or neglect of the town to choose such fish
8 wardens, then the selectmen of said town shall forthwith
9 appoint such person to be fish warden; and each person
10 so chosen or appointed, shall be sworn faithfully to dis-
11 charge the duties required of him by this act. The failure
12 of any one or more of said towns to choose said fish war-
13 den, or wardens, or the failure of the selectmen of any
14 one or more of said towns to appoint said fish warden, or
15 wardens, shall not affect the legality of any fish warden
16 or wardens, who are chosen or appointed, to act under the
17 provisions of this chapter, and those chosen or appointed
18 shall constitute the board of fish wardens hereinafter re-
19 ferred to and have full power and authority hereunder.'

Sect. 2. Section eight of chapter one hundred twenty-
2 six of the Public Laws of eighteen hundred forty-four is
3 hereby amended by prefixing to said section the following:

‘Sect. 8. No weir for the taking of salmon, shad and
2 alewives, or either, shall extend into more than two feet
3 of water, in depth, at ordinary low water, or occupy more
4 than one-eighth of the channel, measured from the first
5 margin of the channel marked and made bare at low water
6 at the usual ebb of the tide,’ so that said section, as amend-
7 ed, shall read as follows:

‘Sect. 8. No weir for the taking of salmon, shad and
2 alewives, or either, shall extend into more than two feet of
3 water, in depth, at ordinary low water, or occupy more
4 than one-eighth of the channel, measured from the first
5 margin of the channel marked and made bare at low water
6 at the usual ebb of the tide. Every weir shall be provided
7 with a gate or passage way at least three feet wide, and
8 extending from the bottom or floor thereof to high water
9 line, which gate or door shall be in the pound or apartment
10 wherein said fish are secured and taken. And the said
11 gate shall be left open without impediment to the passage
12 of said fish, from sunrise on Saturday of each week, to
13 sunrise on the succeeding Monday, between the first day
14 of April and the fifteenth day of July, in each year; and
15 any weir that shall be made without such gate or door,
16 or if any such gate or door shall not be kept open as herein
17 required, the owner or occupant of such weir shall forfeit
18 for each offence, ten dollars.’

Sect. 3. Section twelve of chapter one hundred twenty-six of the Public Laws of eighteen hundred forty-four is hereby amended by striking out all of said section and by substituting therefor the following section:

'Sect. 12. All forfeitures prescribed by this act, exceeding twenty dollars, shall be recoverable by indictment in supreme judicial court, and all forfeitures, not exceeding twenty dollars, shall be recoverable by complaint in behalf of the state, before a trial justice for the county of Knox, or the judge of the police court for the city of Rockland. And such justice, or judge, is hereby empowered, on conviction, to impose penalties to an amount not exceeding the sum of twenty dollars, and in case any person convicted and sentenced by such justice, or judge, shall neglect or refuse to pay such penalty with costs of prosecution, the justice, or judge, by his mittimus, may cause said offender to be committed to the jail of the county, there to be detained, till discharged by order of law, reserving however to every person accused, the right to appeal to the supreme judicial court, on entering into recognizance as in other cases of appeal from trial justices, or said police court, in criminal suits. Complaints for any of the offences mentioned in this act, may be made by any fish warden, or deputy warden, or any other person, and all forfeitures and penalties recovered for any such offences, shall go to the use of the town in which the same was committed.'