

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1000

H. P. 892

House of Representatives, February 24, 1955

Referred to the Committee on Inland Fisheries and Game, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Bernier of Waterville by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Pertaining to the Construction, Maintenance and Operation of
Fishways.**

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

Sec. 1. R. S., c. 37, § 13, repealed and replaced. Section 13 of chapter 37 of the revised statutes is hereby repealed and replaced to read as follows :

'Sec. 13. Construction, maintenance and operation of fishways. All dams or other obstructions across any watercourse in this State erected or maintained without adequate fishways permitting the actual passage of all fishes inhabiting the particular waters affected are common nuisances. Such dams or obstructions shall be abated as common or public nuisances on the petition of 7 legal voters of the county in which said nuisance exists, or of the Attorney General upon the relation of the Commissioner of Inland Fisheries and Game, setting forth the facts, addressed to the Superior Court of the county in which said nuisance exists, the Supreme Judicial Court, and all Superior Courts having exclusive jurisdiction in such cases, to restrain, enjoin or abate the same.

Provided, however, that the provisions hereof as to existing dams and obstructions shall be suspended for a period of one year following the enactment hereof, as to dams and obstructions 30 feet in height or less; 2 years as to dams and obstructions 30 feet to 60 feet in height; and 3 years for all other obstructions in excess of 60 feet in height.

Sec. 2. R. S., c. 37, § 14, repealed. Section 14 of chapter 37 of the revised statutes is hereby repealed.