

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION, COMMENCING JANUARY 6th 1830.

Published agreeably to the Resolve of the 28th June, 1820.

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1830.

twenty nine; and all fines, penalties and forfeitures incurred by any breach of this Act, may be recovered by action of debt in any Court of record proper to try the same; one moiety thereof to him who shall sue for the same, and the other moiety to the use of the State.

Fines, how recovered.

SECT. 6. *Be it further enacted,* That the Treasurer of this State, or his successor in office, shall cause to be ascertained, the number of acres of wild land, situate in this State, which are without the limits of any incorporated town, or of any district or plantation, where assessors are elected according to law (and which wild lands are owned by non-resident proprietors) and liable to be taxed. And the said treasurer shall cause a true and correct list to be made of the same, and also of the several counties wherein the same are situated. And on or before the first day of September next, the said treasurer shall transmit a copy of said list to the Secretary of State for the time being.

Treasurer to ascertain No. of acres of lands without towns or plantations incorporated.



CHAP. 117.

AN ACT to regulate the taking of fish in Tunk River.

Approved March 18, 1830.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passing of this Act, it shall be lawful for the town of Steuben, at its annual meeting, in the month of March or April, to choose a committee of not more than five, nor less than three persons, who shall be inhabitants of said town, and shall be sworn to the faithful discharge of their duty. And said committee shall cause sufficient ways to be kept open and free for the passage of Salmon and Alewives up the Tunk river in said town, from sunset on Friday in each week, from the tenth day of May to

The inhabitants of Steuben may choose annually a Fish Committee.

Their powers and duties.

the tenth day of August, in each year, (unless said town at its annual meeting, shall agree upon a shorter period,) until sunrise of the Monday following; and said committee, or either of them, shall have power to remove all obstructions to the convenient passage of such fish up said river, which they may find therein, during the time aforesaid, and in the discharge of the duties required in and by this Act, may pass over and upon the lands of any person through or by which said river runs, without being considered trespassers; and any person hindering or molesting said committee, or either of them, in the discharge of his or their duty as aforesaid, or who shall obstruct any such passage way in said river, during the time aforesaid, shall forfeit and pay a sum not exceeding twenty nor less than five dollars.

Fishways to be built and supported by the town.

SECT. 2. *Be it further enacted,* That a good and sufficient fish-way shall be made and maintained by said town through, around or over every milldam, which now is, or may hereafter be across said river in said town, agreeably to, and under the direction of said committee, and shall be kept open and free from obstructions, at all times specified in the first section of this Act, by the owners or occupants of such mill-dams; and if any such owner or occupant shall neglect to keep such fish way open and free from obstruction, as herein required, he shall forfeit and pay a sum, not exceeding one hundred, nor less than twenty dollars, for each neglect or refusal.

Penalty for taking fish on days prohibited.

SECT. 3. *Be it further enacted,* That if any person or persons shall, by dip-nets, wears, or any other method, take any of the above mentioned fish, in any of the waters of said river, within said town, between the time of sunsetting on Friday in each week, and sunrising on the following Monday, during the term aforesaid, he or they so offending, shall forfeit and pay three dollars for each salmon so taken, and three dollars for each hundred alewives, and in the same proportion for a greater or less number.

SECT. 4. *Be it further enacted,* That said town may, at its annual meeting, sell and dispose of the privilege of taking said fish, for a term not exceeding one year, at any one time, to any person or persons, under such regulations and restrictions as said town may direct; and may also establish, from time to time, the price at which said fish shall be sold; and the profits arising from the sale of such privilege shall be appropriated to such purposes as the inhabitants of said town shall order; and if any person or persons, other than those to whom the town shall have sold such privilege, shall take any of said fish, he or they shall forfeit and pay a sum not exceeding twenty, nor less than five dollars.

The town may sell the privilege for 1 year at a time, under certain regulations.

SECT. 5. *Be it further enacted,* That if said town shall neglect or refuse to avail itself of the provisions of the fourth section of this Act, the owners or occupants, of mill-dams on said river, shall make and maintain sufficient fishways, agreeably to the provisions of the second section of this Act; and if any such owner or occupant shall refuse or neglect to make and maintain such fishway, to the acceptance of the aforesaid committee, he shall forfeit and pay a sum not exceeding one hundred nor less than twenty dollars, for each neglect or refusal. And such owner or occupant may, if he choose, in every case make and maintain such fish-way at his own expense.

Owners of mills shall build and support fishways, in case the town neglects to avail itself of the provisions of the 4th section of this Act.

SECT. 6. *Be it further enacted,* That all fines and forfeitures incurred for breaches of this Act, may be recovered by action of debt, in any Court of competent jurisdiction, by any inhabitant of said town, one moiety thereof to the use of said town, the other moiety to the use of any person who shall sue therefor: *Provided,* That all prosecutions for breaches of this Act, shall be commenced within ninety days from the time said offence is alleged to have been committed, and not afterwards. And no person, by reason of his being one of said committee, or an inhabitant of said

Fines and forfeitures how recovered.

Proviso.

town shall be disqualified as a witness in any such prosecution.

Former acts inconsistent with this act, repealed.

SECT. 7. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be, and hereby are repealed.



CHAP. 118.

AN additional ACT respecting the Gardiner Lyceum.

Approved March 18, 1830.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That any five of the board of visitors of the Gardiner Lyceum, shall constitute a quorum for the transaction of business ; and so much of “An Act in addition to an Act to incorporate the Trustees of the Gardiner Lyceum,” as requires seven of said board to form a quorum for the transaction of business, is hereby repealed.

Five visitors to constitute a quorum.

Part of act chapter 139, repealed.



CHAP. 119.

AN additional ACT to prevent the destruction of Trout and Pickerel in Sebago Pond, in the county of Cumberland.

Approved March 18, 1830.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That if any person or persons, at any time in any season of the year, from the first day of August to the first day of April, shall spear or take with the spear, or in any other way or manner by pots, wears, nets or any other art, or in any way make any new obstruction to the free passage of

Taking, selling or buying trout and pickerel between Aug. 1st and April 1st prohibited.