

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

ELEVENTH LEGISLATURE,

At its Session commencing January 5th, 1831.

PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1820.

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

SECT. 4. *Be it further enacted,* That whenever the Register chosen as aforesaid, shall be qualified and prepared to enter upon the duties of his office, the powers and duties exercised by the present Register appointed by virtue of a law of the Commonwealth of Massachusetts, passed the twelfth day of March, in the year of our Lord one thousand eight hundred and eight, shall cease, and all records, deeds and papers belonging to said office shall be by him delivered to the Register chosen as aforesaid.

When new Register is qualified, duties of the former Register shall cease.

SECT. 5. *Be it further enacted,* That all Acts and parts of Acts, now in force, inconsistent with the provisions of this Act be and the same are hereby repealed.

Acts repealed.

CHAPTER 147.

AN ACT to regulate the taking of Fish in Sheepscot River.

Approved March 7, 1831.

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 inhabitants of the towns of Alna and Whitefield, and the plantation of Patricktown, in the County of Lincoln, at their annual town and plantation meetings, in the month of March or April in each year, to choose by ballot a committee of not more than nine, nor less than three persons, in each town, and in said plantation, who shall be residents of the town or plantation in which they are chosen, and who shall be sworn to the faithful discharge of their duty; and it shall be the duty of said committee, to cause sufficient locks, sluices or fishways, in their respective towns, and in said plantation, to be kept open and free for the passage of Sal-

Towns of Alna and Whitefield, and plantation of Patricktown, may choose Committees;

Who shall be sworn.

Their duty.

mon, Shad and Alewives, up and down said river and the streams emptying into the same, within said town of Whitefield, from the first day of May to the first day of July, and from the twentieth day of August to the twentieth day of September annually; unless in each year said committee shall agree upon a shorter period; and said committee shall have power to remove all obstructions to the free and convenient passage of said fish, up and down said river and streams, which they may find during the times 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 or streams run, without being considered trespassers; and any person hindering or molesting said committee, or either of them, in the discharge of their or his duty in said office, or who shall, in any way obstruct said locks, sluices or passage ways, or cause any obstructions in said river and streams, and shall not immediately remove the same, during the times aforesaid, he or they so offending shall forfeit and pay a sum not exceeding twenty nor less than five dollars, for each and every offence; and if either of said towns, or said plantation, shall neglect or refuse to choose said committee, such town or plantation shall forfeit and pay a sum not less than twenty, nor more than one hundred dollars, for each and every year such town or plantation shall so neglect or refuse; to be recovered by action of debt in any Court proper to try the same, to the use of any individual who may prosecute therefor: *Provided*, That the above named plantation of Patricktown, shall not be required to open said passage for said fish through the mill dam above Long Pond, so called, until it shall be ascertained by the fish committee of said plantation, that the said fish come into the stream that empties into the pond, and notice thereof be given by said committee to the Assessors of said plantation.

Sluices or fishways to be kept open from May to July unless, &c.

Committee may remove obstructions.

They shall not be considered trespassers, in certain cases.

Penalty for molesting said Committee or obstructing sluices, &c.

Penalty incurred by town for neglecting to choose Committee.

Proviso.

SECT. 2. *Be it further enacted,* That if any person chosen as one of said committee, on due notice, shall refuse to accept thereof, and to qualify himself therefor, within seven days after said notice, every person so refusing shall forfeit and pay a fine of five dollars, to the use of the town or plantation, in which such person resides, and the Treasurer of said town or plantation, is hereby authorized and directed to sue for the same; and in case of the refusal of any person so chosen, the Selectmen of said town, and the Assessors of said plantation, for the time being, shall have power, and are hereby directed to proceed to appoint some other person or persons in the room of him or them, who shall refuse as aforesaid; and any person so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if said Selectmen or Assessors, shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the sum of ten dollars: *Provided however,* That no person shall be obliged to serve on said committee more than one year in three.

Fine incurred by member for refusal or neglect to qualify himself for duty, &c.

How to be collected.

How vacancies shall be filled in case of the refusal of any member to serve.

Proviso.

SECT. 3. *Be it further enacted,* That if said committee or either of them, shall neglect or refuse to perform the duties required of them by this Act, he or they so neglecting or refusing, shall forfeit and pay to the use of his or their town or plantation, a sum not exceeding ten, nor less than five dollars for each day he or they so neglect or refuse to perform their duty as aforesaid; to be sued for and recovered by the Treasurer of said town or plantation.

Further penalty incurred by Committee for refusing or neglecting to perform their duty.

SECT. 4. *Be it further enacted,* That each of the aforesaid towns and said plantation, shall, at its separate expense, and under the superintendence of its own committee, make and maintain a good and sufficient lock, sluice or fishway, around, through or over every dam, which is across said river and the aforesaid streams, within the limits of each of said towns and of said

Each town to make & maintain sluice way, &c. at its own expense.

Proviso.

Penalty incurred by towns for neglecting to make and complete locks, &c.

Further forfeiture.

Owners of mills or dams shall not prevent said Committee from erecting and keeping open locks, &c.

Forfeiture therefor.

Towns may sell the privilege of taking fish.

plantation respectively: *Provided however*, Said fishways shall not be built in any place on said streams, unless the committee of said town of Whitefield shall deem the same expedient and of public utility; and if either of said towns or said plantation, shall neglect to make and complete good and sufficient locks, sluices or fishways as aforesaid by the first day of October next, such town or plantation shall forfeit and pay a sum not exceeding one hundred dollars nor less than fifty; and if either of said towns or said plantation shall neglect or refuse to maintain and keep the same in repair, after they are made and completed, such town or plantation, shall forfeit and pay, for each year of such neglect and refusal, a sum not less than fifty nor more than one hundred dollars, to be recovered by action of debt in any Court proper to try the same, to the use of any person who may sue therefor.

SECT. 5. *Be it further enacted*, That if the owner or owners, or any occupant of any mill or dam, on said river or streams, shall refuse to let the aforesaid committee erect and keep open said locks, sluices or fishways around, over or through the several dams, aforesaid, or in any way obstruct their operations in removing lumber, logs, timber or other obstructions, that might prevent the fish from ascending or descending said river and streams, or shall in any way obstruct said fishways on said river and streams, in the management of their business, and shall not immediately remove the same, they shall each of them forfeit and pay, for each day they shall so offend, a sum not exceeding ten, nor less than five dollars.

SECT. 6. *Be it further enacted*, That said towns respectively, and said plantation, may, at their annual meetings aforesaid, sell the privilege of taking fish within their respective towns and within said plantation, for a term not exceeding one year, at any one time, to any person or persons, under such regulations and restrictions as

said towns respectively and said plantation may direct; or may otherwise dispose of the same if they see fit, and may establish the prices at which such fish may be sold, not exceeding twenty-five cents for an hundred; and the profits arising from the sale or disposition of said privileges shall be appropriated to such purposes as the inhabitants of said town and said plantation shall respectively order; and said towns and said plantation respectively, shall designate the place or places where said fish shall be taken, and no fish shall be taken at any other place or places within said towns and said plantation; and if any person or persons, other than those to whom said towns and said plantation shall have sold said privilege, or authorized to take said fish, or persons employed by them, shall take any of said fish, by nets, seines, wares, or in any other manner, above the lower falls on the tide waters of said river, he or they shall forfeit and pay a sum not exceeding twenty, nor less than five dollars for every offence, and the fish so taken, and all nets and seines used in taking the same, shall be forfeited.

Or may otherwise dispose of the same.

Profits to be appropriated by inhabitants of towns.

Penalty for taking fish without permission

SECT. 7. *Be it further enacted,* That the days for taking fish in said river and streams, shall be Tuesday and Friday of each week, in the year of our Lord one thousand eight hundred and thirty-three, and afterwards on Tuesday, Wednesday and Friday of each week, and at no other time; and no fish shall be taken in said river and streams within said towns and said plantation, prior to the first day of May in the year aforesaid, under penalty of ten cents for every alewife, fifteen cents for every shad, and one dollar for every salmon so unlawfully taken.

Days for taking fish.

SECT. 8. *Be it further enacted,* That if the purchaser or purchasers, manager or managers of said privileges in either of said towns or in said plantation, or any person or persons employed by them, shall presume to take any of said fish out of said river or streams, at any time or place,

Penalty for violating provisions of this act

in violation of the provisions of this Act, he or they so offending shall forfeit and pay a sum not less than two nor exceeding fifteen dollars for every offence.

No person shall erect any dam without, &c.

Penalty therefor.

Parents and guardians answerable for offences committed by minors, against the provisions of this act.

Who shall not be considered trespassers— & under what conditions.

Penalties incurred under this act, how recovered.

How applied.

SECT. 9. *Be it further enacted,* That if any person or persons shall hereafter make, build or erect any dam or other obstruction in, across or upon said river or streams, without making and providing proper locks, sluices or passage ways for said fish to pass up and down, in the season of going to spawn and returning, he or they shall forfeit and pay a sum not exceeding one hundred, nor less than fifty dollars, and the same dam or obstruction shall be considered and adjudged as a nuisance and abated as such.

SECT. 10. *Be it further enacted,* That if any minor or minors shall offend against any part of this Act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors shall be answerable therefor, as if it were his or their personal offence.

SECT. 11. *Be it further enacted,* That no purchaser or manager aforesaid, or any person employed by them shall be deemed a trespasser in going on the lands and premises of any person in order to take said fish, on their paying a reasonable compensation therefor if required; and if said parties shall not agree, the Judge of Probate for said County, is authorized to appoint three persons, a majority of whom may decide upon the sum proper to be paid, and their decision shall be conclusive and binding upon said parties.

SECT. 12. *Be it further enacted,* That all penalties incurred by any breach of this Act, except as herein specified, shall be recovered by action of debt, in any Court competent to try the same, in the name of either of said committee of the town or plantation where the offence was committed, one moiety thereof to the use of the Plaintiff who sues for the same, and the other moiety to the use of said town or plantation.