

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES,

PASSED BY THE

TWENTIETH LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1840.

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Published by the Secretary of State, agreeably to Resolves of June  
28, 1820, and February 26, 1840.

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*AUGUSTA:*

W<sup>M</sup>. R. SMITH & Co., PRINTERS TO THE STATE.

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1840.

**PUBLIC AND PRIVATE LAWS**  
OF THE  
**STATE OF MAINE.**  
**1840.**

[supplied from page 1 of volume]

## Chapter 15.

AN ACT additional to an Act accepting the surrender of the charter of the People's Bank, Bangor.

*Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the powers and liabilities continued to the People's Bank, Bangor, by the second section of an Act, accepting the surrender of the charter of said Bank, approved March twenty-first, one thousand eight hundred and thirty-eight, be and the same is hereby extended, for the term of two years, from and after the twentieth day of March in the year of our Lord one thousand eight hundred and forty.

Powers and liabilities continued two years from March 1840.

[Approved February 17, 1840.]

## Chapter 16.

AN ACT regulating the taking of Fish, and for the preservation thereof in the several rivers, and streams emptying into rivers in this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the County Commissioners in the several Counties in this State, shall have the care of enforcing the regulations for taking and preserving the Salmon, Shad and Alewives in all rivers and streams when they may deem it for the general good within their respective Counties; and it shall be their duty from time to time to examine all dams and obstructions in rivers, and streams emptying into rivers in which Salmon, Shad or Alewives abound and determine after due notice in writing to one or more of the parties interested and a hearing thereon, what would be a suitable fish way or passage way for fish in such dam or obstruction, not exceeding one foot in fifteen of the width of the

County Commissioners to have the care of enforcing the laws regulating the taking of Salmon, Shad and Alewives, and from time to time examine all dams and obstructions to the passage of Fish, and determine, after due notice, what are suitable fish ways—to cause proper fish ways to be made in certain cases,

river or stream at the dam. And after their determination, and twenty days notice, to be published in a newspaper printed in the County, if any, and if not, in the State paper, to the owner or owners thereof, to build such fish way and to keep the same open; if such owner or owners shall neglect or refuse to prepare and open such fish way, then the County Commissioners shall prepare and open a sufficient passage way for fish through such dam or obstruction, at the expense of the owner or owners thereof. And in case of refusal of the owner or owners of such dam or obstruction to pay the expenses incurred in opening such passage way within thirty days, the same shall be paid by the County Treasurer; and the County Attorney shall commence an action against such owner or owners for the same, and the damage recoverable shall be the amount paid and interest, at the rate of twelve per cent. until paid, and a lien for the payment of said damages is hereby created on the mills and other property of whatever description, situated on said dam, whether belonging to the owners of said dam or to other persons, and commencing from the time said passage way shall be opened aforesaid; *Provided* that any person aggrieved by any decision of the County Commissioners, by entering into recognizance as in other cases of appeal, may have an appeal to the Supreme Court, who shall have power to reverse, modify or confirm such decision; and if the appeal be not prosecuted at the next term of the Supreme Court, the decision of the County Commissioners shall be final and in full force.

Expenses incurred in opening such fish way, how paid.

Persons aggrieved may appeal to S. J. Court.

SEC. 2. *Be it further enacted,* That the County Commissioners aforesaid, shall define and describe in writing, the extent and limits of such fish way, and cause the same to be entered in the records of the city, town or plantation in which the said fish way is situated; and if any person shall take any of the fish aforesaid, in any such fish way,

Extent and limits of fish ways to be entered in the records of city, town or plantation.

Penalty for taking any Fish in or near any fish

way, or within fifty feet of any dam or dams which require fish ways, or for obstructing the passage of fish between 1st of May and 15th of July.

or within the space of twenty feet on each side thereof, and extending of the same width fifty feet below such fish way, or within fifty feet above or below any dam or dams erected or which may hereafter be erected on any such river or stream, which requires a fish way to be made through the same, or shall by placing any impediments in or near such fish way, or by any other means hinder or obstruct the passage of fish up, through, or over such fish way, between the first day of May and the fifteenth day of July in each year, the person so offending shall forfeit and pay a penalty of not less than five dollars nor more than ten dollars for each and every offence; and by the fifteenth day of July of each year, all weirs shall be stripped so as to admit of a free passage of fish through the same: and in case of refusal or neglect, the owner or owners thereof, shall forfeit a sum not exceeding ten dollars nor less than five dollars per day until the same shall be stripped as aforesaid, to be recovered in an action of debt, to the use of the County within which such offence is committed.

Weirs to be stripped by the 15th of July, so as to admit of the free passage of fish.

SEC. 3. *Be it further enacted, That all Acts and parts of Acts in relation to taking and preserving Pickerel and Trout in ponds and streams, be, and the same are hereby repealed: and that all Acts and parts of Acts, heretofore existing in this State, in relation to the taking and preservation of Salmon, Shad and Alewives in all rivers and streams, be, and the same are hereby repealed, except where an interest therein has been vested in any town—Provided however that all suits or prosecutions now pending may be proceeded in to final judgment and execution, unless the defendants shall pay the costs of said prosecutions, in the same manner as if this Act had not been passed. And this Act shall take effect and be in force from and after its approval by the Governor.*

Former acts repealed.

Proviso.

[Approved February 18, 1840.]