

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-EIGHTH LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1848.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1848.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1848.

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CHAP. 161.**Chapter 161.**

An act to regulate the fishing in the Damariscotta river in the county of Lincoln.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Limits of weirs.

SECT. 1. No weirs or pounds shall be constructed or maintained in Damariscotta river between Newcastle south line and a line drawn east and west across said river, at a point one-half mile south of Goose Rock in Damariscotta salt bay, except as provided for in this act.

Limits, regulations and restrictions of weirs.

SECT. 2. Weirs or pounds may be constructed or maintained on Damariscotta river between Newcastle south line and a line drawn east and west across said river at a point one-half mile south of Goose Rock, in Damariscotta salt bay, so called, under the following regulations and restrictions. Every weir shall have a gate or door adjacent to the pound, of twelve feet in width and of the height of the weir; and there shall also be another gate or door in that side of the pound at which fish are taken and secured, four feet in width and five feet in height; and whenever such weirs cross a spur or side channel, there shall be a gate or door of four feet in width and of the height of the weir; said gates shall extend from the bottom of the weir or pound, and shall be constructed of materials which shall render them plainly visible from the shore. No weir shall extend more than halfway across the river, measured at high water, to the nearest point of the opposite shore, nor shall any weir or pound extend beyond the first margin of the channel marked and made bare at low water at the usual ebb of the tide.

Time limited for taking fish.

SECT. 3. Fish may be taken in such weirs or pounds on Tuesday, Wednesday and Thursday of each week, between the first day of May and the fifteenth day of July in each year, and at no other time; and said gates or doors may be kept closed from sunrise of Tuesday morning to sunset of Thursday evening of each week during that period; and on all other days and times they shall be removed and kept on shore; and said doorways kept open for the free passage of salmon, shad and alewives up and down the river; and all netting used on such weirs and pounds shall be removed and the weirs stripped by the fifteenth day of July in each year.

—stripping of weirs, &c.

Privileges and restrictions of fish committee.

SECT. 4. The fish committees of the towns of Newcastle and Nobleborough, or persons in their employ or acting under contract with them, shall be allowed to take fish at or near the falls of said river, where fish have usually been taken, on the

same days as is provided in the third section of this act for taking fish in weirs, and at no other times; but no fish shall be taken in the east branch of New River stream, within twenty feet of the lower lock. CHAP. 161.

SECT. 5. Any person, town or towns who shall violate any of the foregoing provisions, and continue such violation for one day, shall forfeit and pay for each such offense not less than twenty nor more than two hundred dollars, to the use of any person who may sue therefor, in an action of debt in any court of competent jurisdiction to try the same; and any person, town or towns who shall catch any salmon, shad or alewives in said river except as hereinbefore provided, shall forfeit and pay for each fish so taken, the sum of twenty-five cents, to be recovered in the manner and to the use aforesaid. Penalty and forfeiture.

SECT. 6. If any person shall during the fishing season before mentioned, place or continue any obstructions in or across the western branch of New River stream which shall prevent a sufficient quantity of water from flowing down said branch to enable alewives to ascend into the usual fishing places and pools in said branch as they have heretofore done, the same shall to that extent be considered a nuisance and may be removed by the aforesaid fish committees or any of them; and the offender shall also be liable to a penalty of not less than fifty dollars, to be recovered in the manner and to the use aforesaid; and the fish committees aforesaid may adopt such measures as may be necessary to regulate the quantity of water in said New River stream during the fishing season, and as the public interest in said fishery may require; and any person who shall willfully do any act which shall hinder or prevent the ascent or descent of the fish to and from Damariscotta pond during the usual period of their ascent or descent, shall be liable to a penalty of not less than twenty dollars for each offense, to be recovered in the manner and for the use aforesaid. Obstructing fish-ways deemed a nuisance and penalty for the same.

SECT. 7. The fish committee provided for by the act to which this is additional, before entering upon their duties shall each give bond with sufficient sureties, in the sum of one thousand dollars, payable to the towns respectively by which they are chosen, conditioned for the faithful performance of their trust, and for the due observance of all the laws regulating said fishery. Board of fish committee

SECT. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved August 10, 1848.]