

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

PASSED BY THE

FORTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1866.

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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:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1866.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1866.

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**Chapter 28.**

CHAP. 28.

An act in relation to evidence.

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

The rules of evidence, where an executor or administrator is a party, shall be applied to cases where a person shown to the court to be insane, is solely interested as a party.

Rules of evidence where person insane is party.

Approved February 20, 1866.

**Chapter 29.**

An act to increase the salary of the county attorney for the county of Waldo.

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

SECT. 1. That the salary of the county attorney for the county of Waldo shall be four hundred dollars, instead of the salary now established by law ; commencing on the first day of March, in the year of our Lord one thousand eight hundred and sixty-six.

Salary established at \$400 per annum after March 1, 1866.

SECT. 2. This act shall take effect from and after its approval by the governor.

Approved February 20, 1866.

**Chapter 30.**

An act to regulate the taking of menhaden and other fish in the waters of Maine.

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

SECT. 1. No person, except as hereinafter provided, shall set or use any seine within three miles of the shore in any waters of this state, for the purpose of taking menhaden or porgies, under a penalty of not less than one hundred nor more than five hundred dollars, and the forfeiture of all vessels, boats, craft and apparatus employed in such unlawful fishing, for each offence ; but a net of no more than one hundred and forty meshes deep shall not be deemed a seine.

Seines not to be set within three miles of shore, under penalty of \$500, and other forfeitures.

Seines of certain capacity excepted.

SECT. 2. The county commissioners may grant a written permit to any person or persons to take with a seine or seines, under such limitations and restrictions as they see fit, within the waters of their county, or any part thereof, menhaden or porgies for bait, or for the purpose of their being manufactured into oil or guano on the land within the limits of this state ; and such permits shall ex-

County commissioners may grant permits under restrictions by them established.

**CHAP. 31.**

Duties to be paid for permits.

Penalty for refusal to exhibit permit.

Offal, &c., not to be thrown into navigable waters, under penalty.

Vessels, &c., liable for fine and cost, and may be seized and detained.

Penalties, &c., how recoverable, and to whose use.

Acts, &c., inconsistent, repealed.

pire in one year from their date, and shall not be transferable; and the person or persons receiving such permit, shall pay therefor to the county in which it is granted, if they are to use a seine of seventy-five fathoms or less in length, ten dollars; if of more than seventy-five and less than one hundred fathoms in length, fifteen dollars; if of one hundred or more fathoms in length, twenty dollars; and shall exhibit said permit at all times when required by any trial justice, constable or other peace officer, and upon refusal shall forfeit for each refusal the sum of twenty-five dollars.

SECT. 3. Any person who shall cast, or deposit, or cause to be thrown or deposited into any of the navigable waters of this state, any pumice, scraps or other offal, arising from the making of oil from menhaden or herring, or any impure water arising therefrom, shall pay a fine of not less than fifty nor more than one thousand dollars for each offence.

SECT. 4. All vessels, boats, crafts and apparatus, of any kind, employed in violation of any of the provisions of this act, shall be liable for any fines and cost; and it shall be lawful, for any person or persons, to seize and detain said property, not exceeding thirty-six hours, that the same may be attached by due process of law, to satisfy any judgment that may be rendered in the suit.

SECT. 5. All penalties and forfeitures named in this act, may be recovered in an action of debt, in the name and to the use of the county, or in the name of any person suing therefor; one half of such fine and forfeiture to be paid to the person prosecuting, and the other half to the county where the offence is committed.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 7. This act shall take effect when approved by the governor.

Approved February 21, 1866.

## Chapter 31.

An act providing for the recording of certificates of discharge of soldiers and seamen from the service of the United States.

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

Clerks of courts to record certificates of discharge, and amount of fee therefor.

SECT. 1. Clerks of courts, in their respective counties, are hereby authorized and required to record in a book kept for that purpose, and cause the same to be properly indexed, certificates of discharge of soldiers and seamen from the army and navy of the United States, for which they shall be entitled to receive from the person requiring such record, a fee of twenty-five cents.