

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

CHAP. 86.

Chapter 86.

An act to regulate the taking of trout in certain lakes in Oxford and Franklin counties.

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

Taking of trout by other process than hook and line prohibited in certain waters.

SECT. 1. No person shall take or destroy any trout in the Rangely, Mooselemeguntic, Richardson, Umbagog, Cupsuptuc, Kenabago or Parmachenie lakes, their tributaries and outlets, within the limits of this state, except by the ordinary process of angling, with single baited hook and line or artificial fly.

Penalties for setting nets, seines, weirs, trawls, &c., and for destruction of trout.

SECT. 2. Whoever sets any net, seine, weir or trawl, or uses any grapnel or spear in the aforesaid waters, for the purpose of taking or destroying trout, shall forfeit for each offence ten dollars, and whoever takes or destroys any trout therewith shall forfeit five dollars for each fish so taken or destroyed.

Forfeiture of nets, &c., and destruction of same legalized.

SECT. 3. All nets, seines, weirs and trawls set in said waters, contrary to the provisions of this act, shall be forfeited to any person seizing the same, and no action shall be maintained in any court of this state against any person or persons for the recovery of damages for the taking or destruction thereof.

Penalties and forfeitures, how recovered.

SECT. 4. The penalties and forfeitures provided for in this act may be recovered and appropriated as in section fifty-one, chapter forty, of the revised statutes.

Approved February 18, 1867.

Chapter 87.

An act to amend section twenty-seven of chapter fifty-nine of the revised statutes, in relation to the adoption of children.

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

R. S., chap. 59, sect. 2, amended.

Consent required, on application for adoption of a child.

SECT. 1. Instead of the consent of each parent of the child sought to be adopted, as required in chapter fifty-nine, section twenty-seven of the revised statutes, the written consent of the parent entitled to the custody of the child, shall be sufficient, when a divorce from the bonds of matrimony, or from bed and board, has been decreed to the parents, or either of them ; or upon the written consent of one of the parents, when, in the opinion of said judge, the other parent is not fit to be entrusted with the custody of such child.

Notice to be given, on application with consent of one parent.

SECT. 2. When such application is made with the consent of only one of the parents, the judge shall cause to be given, to the other parent, such notice of the pendency of the application, as he deems proper and practicable.

SECT. 3. Chapter two hundred and ninety-five of the laws of the year eighteen hundred and sixty-five, is hereby repealed.

CHAP. 88.

Laws of 1865,
chap. 295,
repealed.

SECT. 4. This act shall take effect when approved by the governor.

Approved February 18, 1867.

Chapter 88.

An act defining the ownership of down timber.

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

All down timber or trees lying upon any land shall be held as pertaining to the soil; but if any such down timber or trees, as aforesaid, shall have been cut into wood, logs or other lumber, or bark shall have been peeled, the same shall be deemed personal property, and the owner or owners thereof shall have the right to remove the same within a reasonable time.

Down timber held pertaining to the soil, &c.

Owner may remove the same.

Approved February 19, 1867.

Chapter 89.

An act to provide for uniformity in the taxation of legal costs by the clerks of the courts of this state.

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

SECT. 1. That it shall be the duty of the justices of the supreme judicial courts of this state, to prepare a schedule or tariff of legal taxable cost, as provided by statute, which can lawfully be included in an execution issued by the clerks of said courts, and can be defined, naming each item in the chapters, and several sections, on fees; which shall be signed by said justices, or a majority of them, and passed to the secretary of state, who shall have a sufficient number of copies printed at the expense of the state in plain legible characters, to furnish the several clerks of the courts of this state with at least five copies each, to which shall be appended the provisions of this act.

Justices of S. J. C. to prepare schedule of taxable costs.

Copies of same with the provisions of this act to be furnished to clerk of courts.

SECT. 2. The schedule or tariff of fees thus prepared by the courts, and forwarded by the secretary of state to the clerks of the several courts of this state, shall be by them posted in at least three conspicuous places in the court building, one in the clerk's

Such schedule or tariff to be posted in three conspicuous places in court house.