

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1870.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1870.

CHAP. 169.**Chapter 169.**

An act to repeal chapter forty-five of the revised statutes, relating to interest.

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

R. S., chap. 45,
relating to usury,
repealed.

Chapter forty-five of the revised statutes, and all acts additional or amendatory thereto, passed prior to eighteen hundred and seventy, are hereby repealed.

Approved March 11, 1870.

Chapter 170.

An act to change the time of holding the September term of the supreme judicial court in the county of Knox, and to establish another term of said court therein.

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

Change of time
of holding the
supreme judicial
court for Knox
county.

SECT. 1. The September term of the supreme judicial court holden in and for the county of Knox, shall hereafter be holden on the third Tuesday of September, instead of the fourth Tuesday, as now provided by law; and all writs, processes, petitions, orders, decrees, reports, certificates, warrants, complaints, appeals, indictments, and matters of every kind, civil and criminal, which would but for the provisions of this act be returnable to and have day at the term of said court, holden on the fourth Tuesday of September next, shall be returnable to and have day at the court to be holden on the third Tuesday of September next.

Additional term
established.

SECT. 2. An additional term of said supreme judicial court, is hereby established to be begun and holden at Rockland, in and for our county of Knox, on the second Tuesday of December annually, for the transaction of civil and criminal business.

SECT. 3. This act shall take effect when approved.

Approved March 23, 1870.

Chapter 171.

An act additional to chapter seventy of the public laws of eighteen hundred sixty-nine, to regulate the river and interior fisheries.

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

Limitation of the
act.

SECT. 1. The provisions of this act and the act to which this is additional, shall apply to all the fresh waters of this state above

the flow of the tide, and to all the tidal waters frequented by the various species of fresh water and migratory fishes, with such exceptions as may be hereinafter mentioned.

SECT. 2. Prior to the first day of May, eighteen hundred seventy-two, no salmon shall be taken or fished for in any manner in the Aroostook, Presque Isle and Meduxnakeag rivers, under a penalty of not more than twenty nor less than ten dollars, and a further penalty of ten dollars for every salmon so taken.

Protection of salmon in the Aroostook, Presque Isle and Meduxnakeag rivers.

SECT. 3. Whoever shall take any black bass during the months of April, May and June, or at any time from their spawning beds, shall forfeit for each offence not more than twenty nor less than five dollars, and a further penalty of one dollar for each black bass so taken.

Protection of black bass in April, May and June.

SECT. 4. No smelts shall be taken or fished for in any other manner than by hook and line or dip-net, between the first day of March and the first day of November of each year, under a penalty of not more than fifty nor less than ten dollars for each offence.

Protection of smelts.

SECT. 5. No net, other than a dip-net, whose meshes are smaller than one inch square in the clear, shall be used in any waters frequented by migratory fishes, between the first day of March and the first day of November in any year, under a penalty of not more than twenty nor less than ten dollars for each offence.

Penalty for using other than dip net from the first of March to the first of November.

SECT. 6. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; *provided*, he furnishes a suitable passage for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials in places where the same have a right to pass.

Rights of riparian proprietors to take fish.

SECT. 7. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own waters how and when he pleases, and may at all times sell them for these purposes, but shall not sell them for food at seasons when the capture of such fish is prohibited by law.

Rights of persons engaged in artificial culture of fish.

SECT. 8. Whoever fishes in that portion of a pond, stream or other water in which fishes are lawfully artificially cultivated or maintained, without the permission of the proprietor, shall forfeit not more than fifty nor less than ten dollars and one dollar for every fish so taken.

Penalty for fishing in waters in which fish are being cultivated.

SECT. 9. The governor with the advice of the council shall appoint fish wardens wherever the same may be necessary. It shall be the duty of such wardens to enforce the provisions of all public laws relating to fisheries; they shall have all the powers given to fish wardens by section eleven of chapter seventy of the public laws of eighteen hundred sixty-nine, each person so appointed shall hold office for three years unless sooner removed, and his pay shall be fixed by the governor and council, who shall

Fish wardens and their duties.

CHAP. 171. audit his accounts and cause the same to be paid from the state treasury, *provided* that the total amount paid to all the wardens shall not exceed one thousand dollars annually.

Public laws 1869, chap. 70, sects. 1, 9, 10, 14 and 31, repeated.

SECT. 10. Chapter seventy of the public laws of eighteen hundred sixty-nine, is hereby amended, by striking out sections one, nine, ten, fourteen and thirty-one.

Public laws 1869, chap. 70, sect. 12, relating to weekly closetime, amended.

SECT. 11. Said chapter is further amended in the twelfth section, by inserting after the word "closetime" in the twelfth line, the words, "to the intent that during said weekly closetime the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance shall be placed in any part of such structure which shall tend to hinder such fish."

Public laws 1869, chap. 70, sect. 30, relating to waters exempt, amended.

SECT. 12. Said chapter is further amended in the thirtieth section, by striking out the words "the stream from Walker's pond in Brooksville," and the words "that portion of the Penobscot river and its tributaries below Orphan's island, also the Kennebec river below Lee's island," so that said section, as amended, shall read as follows :

As amended.

'*Sect. 30.* The following waters and their tributaries are exempt from the operation of the provisions of this act relating to the migratory fishes, and the supervision of fishways by the commissioners, that is to say: Royall's river in North Yarmouth; Sewall's pond or its outlet in Arrowsic; Nequasset stream in Woolwich; Damariscotta river; Duck trap stream in Lincolnville and Belmont; the Eastern Penobscot river in Orland; Winslow's and Leach's streams in Penobscot; all waters in Vinalhaven, Bluehill, Tremont, Mount Desert, Eden, Franklin and Sullivan; Tunk river in Steuben; Pleasant river in Washington county; East Machias river, and Cobscook or Orange river in Whiting.'

Dennys' and Pinmaquan rivers, exempted.

SECT. 13 The following waters are exempt from those provisions of this act and of chapter seventy of the public laws of eighteen hundred sixty-nine, which relate to the capture of salmon, shad and alewives, namely: Dennys' river and its tributaries, and Pinmaquan river and its tributaries.

Public laws 1869, chap. 70, sect. 22, 24, 25 and 29, to apply to this act.

SECT. 14. The provisions of sections twenty-two, twenty-four, twenty-five and twenty-nine of the act to which this is additional, shall apply to this act.

Acts relating to Gray and Walker's ponds, and inconsistent acts, repealed.

SECT. 15. All acts relating to fisheries in the stream from Gray's pond or Walker's pond in the towns of Sedgwick and Brooksville, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 16. This act shall take effect when approved.

Approved March 23, 1870.