

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1876.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1876.

Chapter 125.**CHAP. 125.**

An act for the protection of Land-Locked Salmon, Trout and Bass.

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

SECT. 1. There shall be an annual close-time for land-locked salmon, commonly so called, trout, black bass and Oswego bass, in all of the waters of this state, as follows, viz: For land-locked salmon, from the fifteenth day of September to the first day of March following; for trout, from the first day of October to the first day of March following; and for black bass and Oswego bass, from the first day of April to the first day of June following.

Close-time for land-locked salmon, trout, &c.

SECT. 2. No person shall at any time catch, take, kill or fish for any land-locked salmon, trout, black bass or Oswego bass, by means of any grapnel, spear, trawl, weir, net, seine, trap, set line, either through the ice or otherwise, or with any device or in any other way than by the ordinary way of hand fishing with a single baited hook and line, or with artificial flies, under a penalty of not less than ten nor more than thirty dollars for each offence, and a further fine of one dollar for each fish so caught, taken or killed. And all set lines, grapnels, spears, trawls, weirs, nets, seines, traps and devices other than fair angling as aforesaid, are hereby prohibited on the fresh water lakes, ponds and streams of this state; and when found in use or operation on said lakes, ponds or streams, they are hereby declared forfeit and contraband, and any person finding them in use in said waters is hereby authorized to destroy the same.

Penalty for taking certain fish otherwise than by hook and line.

Set lines and other devices deemed contraband.

SECT. 3. No person shall catch, take, kill, expose for sale or have in possession, except alive, any land-locked salmon between the fifteenth day of September and the first day of March following, or any trout between the first day of October and the first day of March following; or any black bass or Oswego bass between the first day of April and the first day of June following, under a penalty of not less than ten dollars, nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken, killed, exposed for sale or in possession, except as aforesaid.

Penalty for taking land-locked salmon, &c., at certain times.

SECT. 4. All penalties imposed under the provisions of this act may be recovered, with costs of suit, by any person or persons, in his or their own name, before any municipal or police court, or trial justice in the county where the offence is committed, or the defendant resides; or such penalties may be recovered by an action in the superior court of the county of Cumberland, or in the supreme court of this state, which actions shall be governed by the same rules as other actions in said courts, except that upon a recovery by the plaintiff or plaintiffs in such suit in said courts, full costs shall be allowed to such plaintiff or plaintiffs, without regard to the amount of such recovery; and any judge of the

Penalties, how recovered.

CHAP. 126.

Penalties, when collected, how appropriated.

Punishment for non-payment of penalty.

Duty of county attorneys to commence actions for recovery of penalties.

Penalty recovered, how applied

Other persons not precluded from enforcing penalties.

This act not to prevent any person from lawfully taking fish.

supreme court, superior court of Cumberland county, or of any police or municipal court, and any trial justice is authorized, upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit of the violation of any of the provisions of this act, by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown to the complainant, to issue his warrant and have such offender committed or held to bail, to answer the charge against him. Any penalties, when collected, shall be paid by the court before which conviction shall be had, one half to the county where conviction is obtained, and the remainder to the prosecutor. On the non-payment of the penalty, the defendant shall be committed to the common jail of the county, for a period of not less than ten days, and at the rate of one day for each dollar of the amount of the judgment, where the sum is over ten dollars in amount; and it shall be the duty of any county attorney in this state, and he is hereby required to commence actions for the recovery of the penalties allowed and imposed in this act, upon receiving proper information; and in all actions brought by such county attorney, one half of the penalty recovered and collected shall be paid to the person giving information on which the action is brought, and the other half to the county where conviction is obtained; this clause, however, not to preclude any person from bringing suit to recover or enforce any of the penalties named in this act, without the aid or intervention of any county attorney.

SECT. 5. Nothing in this act shall be construed to prevent any person or persons from lawfully catching fish in waters owned by him or them for the purpose of stocking other waters, or to prevent the fish commissioners or their agents, duly authorized, from lawfully taking fish at any time or in any manner for the purposes of propagation or for stocking other waters.

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

Approved February 23, 1876.

Chapter 126.

An act explanatory of "an act additional for the assessment and collection of taxes," approved February twenty-seven, eighteen hundred and seventy-one.

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

The provisions of chapter two hundred and thirty of the public acts of eighteen hundred and seventy-one, shall not apply to vessels built, or in process of construction, or undergoing repairs, which belong to persons residing out of the state.

Approved February 23, 1876.

Ch. 230 of public laws of 1871, not applicable to persons out of the state.