

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1878.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1878.

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and compare the votes so returned, and if errors appear in the returns they shall be corrected on proper evidence; and if there be a majority of ballots with "yes," it shall be deemed to be an acceptance of this act, and said act shall then be in force; if there be a majority of ballots with "no," it shall be deemed to be a rejection of the same.

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 All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SECT. 9. This act shall take effect when approved.

Approved February 13, 1878.

### Chapter 43.

An act for the protection and preservation of Bass in the waters of Winnegance creek.

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

SECT. 1. For the period of three years from the first day of April, eighteen hundred and seventy-eight, no bass shall be taken, except by hook and line, in the waters of Winnegance creek above the Winnegance mill dam, under a penalty of not less than ten dollars nor more than fifty dollars for each offense, and a further fine of five dollars for each bass taken.

Penalty for taking bass in Winnegance creek for three years, except by hook and line.

SECT. 2. After the expiration of three years from the first day of April, eighteen hundred and seventy-eight, it shall be lawful for any person to take bass in the said waters by net during the months of January and February only in each year; *provided*, that no person shall use more than one net at a time, and that no net shall be used exceeding twenty fathoms in length, and of less than five inches mesh. Any person violating any of the provisions of this section shall be subject to a penalty of not less than ten nor more than fifty dollars for each offense, and a further penalty of five dollars for each bass so taken.

When bass may be taken by net.

Proviso.

Penalty for violation.

SECT. 3. After the first day of April, eighteen hundred and seventy-eight, no nets shall be set in the flood gates of the Winnegance mill dam, under a penalty of not less than twenty nor more than one hundred dollars for each offense.

Penalty for setting nets in flood gates.

## CHAP. 44.

Forfeitures and penalties, how enforced.

SECT. 4. All forfeitures and penalties arising by force of this act, may be enforced by complaint, or by an action of debt in any court proper to try the same, one-half of which shall be for the benefit of the party prosecuting or making complaint, and the other half to the town or city in which the proceedings are commenced and prosecuted.

Ch. 472, special laws 1865, repealed.

SECT. 5. Chapter four hundred and seventy-two of the special laws of eighteen hundred and sixty-five, so far as the same relates to bass, is hereby repealed.

Approved February 13, 1878.

### Chapter 44.

An act for the protection of Smelts in Bagaduce river and tributaries, in the county of Hancock.

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

Penalty for taking smelts in Bagaduce river, except by hook and line.

SECT. 1. Whoever takes or catches any smelt or smelts with a net of any kind, or in any other manner than by naturally or artificially baited hooks and hand lines, from Bagaduce river, in the county of Hancock, or any of its tributaries, shall forfeit for each smelt so caught or taken the sum of one dollar.

Officers authorized to enforce act.

SECT. 2. The mayor and aldermen of any city, the selectmen of any town, and all fish wardens, police officers and constables within the county of Hancock, shall cause the provisions of this act to be enforced within their respective towns and cities; and all forfeitures and penalties for violation of the provisions of this act shall be paid, one-half to the person making the complaint, and one-half to the city or town in which the offense is committed. And all boats, nets or implements of any kind, used in taking smelts contrary to the provisions of this act, shall be deemed forfeit and contraband, and sold upon judgment of the court, and paid over as above, one-half to complainant, and one-half to the use of the town wherein the offense is committed.

Boats, nets, &c., forfeited.

Complainant may seize and appropriate fish taken.

SECT. 3. Any complainant may seize on view, and appropriate to his own use or gift, any fish taken or possessed in violation of this act.