

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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

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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

proper reservoirs thereof; and said corporation may take and hold by purchase or otherwise any lands or real estate necessary therefor and may excavate through any lands when necessary for the purposes of this incorporation.'

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—to take lands.

SECT. 2. Section thirteen of said act is hereby amended by striking out in the second line thereof the word "four," and inserting in place thereof the word 'eight,' so that section as amended, shall read as follows :

Sec. 13,
amended.

'SECT. 13. In case the works of this corporation have not been put in operation within eight years from the date of the approval of this act, the rights and privileges herein granted shall be null and void.'

When not
becomes void.

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

Approved March 13, 1893.

Chapter 495.

An Act to prevent the destruction of Fish in the Eastern Penobscot River in the town of Orland.

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

SECT. 1. From and after the passage of this act no person shall be allowed to take any alewives in the Eastern Penobscot river, within the town of Orland, in the county of Hancock, with any large net, seine, spears, scoop nets, or in any weirs between sunrise on Saturday of each week and sunrise on Monday of each week under a penalty of twenty cents for each and every alewife so taken.

Taking of alewives in Eastern Penobscot river, with net or in weirs, between sunrise on Saturday and Monday, prohibited.

SECT. 2. No person shall be allowed to take any alewives in said river within said town at any time in any of the locks or fish ways on said river or within twenty feet from the mouth of the gates of the lock at the lower falls or within fifty feet of the mouth of the fish way at the upper falls on said river, under a penalty of fifty cents for each and every alewife so taken.

Taking of alewives, at any time, in locks or fishways, prohibited.

SECT. 3. No person shall be allowed to build or place in or across said river below extreme low water mark or in or across said river above the lower dam, any box or traps, weir or nets, so as to prevent said fish from passing up or down said river under a penalty of twenty-five dollars.

Penalty, for erecting any trap or weir below low water mark.

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Nets, etc., used in taking, and horses, etc., used in moving fish unlawfully, shall be forfeited.

SECT. 4. All nets, seines, craft, boats, barrels, tubs and salt used in the taking or securing fish in violation of the provisions of this act, and all horses, wagons, carts and harnesses used in moving fish taken from the lock at the lower falls or the fish way at the upper falls, and all fish so taken shall be forfeited, and when so used may be seized by the fish committee hereinafter provided for and proceeded against as in case of forfeiture of personal property.

When gates shall be kept open.

SECT. 5. The Eastern River and Sluice Company shall be required from the first day of May to the twentieth day of June in each year to keep open at their own expense, the large gates at the lower end, and the small gates at the upper end of said lock so as to afford sufficient water for the fish to pass in at all times when tide waters are in said lock at the lower falls, except when boats, timber, rafts, spars, or other lumber may be passing through said gates, and to cause some suitable person to attend the gates at the lock in order to lock in the fish and enable those which have come into or passed through the lock to go up to the fish way at the upper dam; and in case of neglect or refusal to keep open and attend said gates as aforesaid, said company shall forfeit and pay the sum of ten dollars for each and every day they shall so neglect or refuse to keep open and attend said gates.

Fishway, shall be kept open from first day of May until first day of July.

SECT. 6. The Eastern River and Sluice Company shall be required from the first day of May to the first day of July in each year, at their own expense, to keep the fish way at the upper dam on said river in repair and running order so as to enable the fish at all times to pass through into the great pond, so called; and in case of neglect or refusal to keep in repair and running order said fish way aforesaid, said company shall forfeit and pay the sum of ten dollars for each and every day they shall neglect or refuse to keep in repair or running order said fish way, and in case said Eastern River and Sluice Company and the fish committee hereinafter provided for fail to agree as to what constitutes suitable repairs and running order of said fish way, the point in dispute shall be decided by the state commissioners of fisheries.

—penalty, for neglect.

—how disputed points shall be decided.

How weirs shall be constructed and kept.

SECT. 7. All weirs on said river now built or which shall be built, shall be constructed with a suitable gate, which gate the owner or occupant of said weir shall keep open from sunrise on Saturday of each week until sunrise on Monday of each week, under a penalty of ten dollars, to be forfeited by

said owners or occupants for each and every day they shall refuse or neglect so to keep open said gate.

SECT. 8. It shall be the duty of said town of Orland at their annual or March meeting, to choose a fish committee to consist of one or more persons who shall be sworn to the faithful discharge of the duties required of them by this act; and in case said committee are from any cause unable to serve continuously, they are empowered to appoint one or more deputies to serve during the absence of said committee; said deputy to be by the town clerk sworn to the faithful discharge of the duties required of them by this act; and each of said committee shall be entitled to receive not to exceed one dollar and fifty cents per day for the time actually employed for his services and one quarter of all fines collected, to be paid by said town; and if said town shall neglect or refuse to choose said committee, they shall forfeit and pay the sum of thirty dollars for every such neglect or refusal, to be recovered by any person who shall sue therefor in an action of debt, for his use and benefit in any court competent to try the same.

Town, shall annually choose fish committee.

—committee, may appoint deputies.

—compensation.

—penalty, if town neglects or refuse to choose committee.

SECT. 9. It shall be the duty of said fish committee to see that the requirements of this act are complied with, and to prosecute in their own name for the use and benefit of said town, all persons who shall be guilty of violating this act, in an action of debt in any court of competent jurisdiction, and said fish committee shall for any willful neglect of duty forfeit and pay the sum of thirty dollars, to be recovered by any person who shall sue therefor in an action of debt, for his own use and benefit.

Duty of committee, to enforce this act.

SECT. 10. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts, repealed.

SECT. 11. No legislation hereafter enacted shall be held to affect this act unless it specifically refers thereto.

Future legislation, shall not affect this act.

SECT. 12. This act shall take effect when approved.