

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1901.

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**Chapter 283.**

An Act relating to close time for Deer in certain counties.

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

Act relating to taking of deer in September, etc., approved March 22, 1901, not to apply to killing of deer in certain counties.

Nothing contained in "An Act to amend section twenty-one of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, relating to the taking of deer in September for food purposes, and relating to non-residents going upon the wild lands of the state" shall be construed to repeal so much of section twenty-one of chapter forty-two of the public laws of eighteen hundred and ninety-nine, and acts amendatory thereto, as relates to deer in the counties of York, Cumberland, Androscoggin, Sagadahoc, Knox, Lincoln, Waldo and Kennebec.

Approved March 22, 1901.

**Chapter 284.**

An Act to consolidate, and simplify, the laws pertaining to Sea and Shore Fisheries, as contained in Chapter forty of the Revised Statutes, and in amendments and additions thereto.

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

Commissioner of sea and shore fisheries how appointed.

Section 1. The governor, with the advice and consent of the council, shall appoint a commissioner who shall have general supervision of the sea and shore fisheries and shell fish regulated by this act and shall hold his office for three years and until his successor is appointed and qualified.

—term.

Duties.

Section 2. It shall be the duty of the commissioner of sea and shore fisheries to exercise supervision over all the fisheries and their products taken from tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen shell, or other fish.

Shall report biennially.

Section 3. The commissioner is hereby required to make a detailed biennial report in the month of December, showing the amount of capital invested in, number of men employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries.

Salary.

Section 4. The salary of the commissioner of sea and shore fisheries is hereby fixed at one thousand dollars per annum.

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Appointment  
of fish  
wardens.

Section 5. The governor with the advice and consent of the council upon the recommendation of the commissioner of sea and shore fisheries, may appoint suitable persons as fish wardens, who shall hold office for the term of three years unless sooner removed, who shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act, give bond with two good and sufficient sureties in the penal sum of two thousand dollars, approved by the commissioner of sea and shore fisheries, to the treasurer of the state, conditioned for the faithful performance of the duties of their office. The commissioner of sea and shore fisheries may appoint deputy wardens, for whose official misconduct and neglect he shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioner may revoke such appointment at any time.

—term of  
office.—powers and  
duties.—shall give  
bond.—commis-  
sioner may  
appoint  
deputy  
wardens.

—powers.

Section 6. It shall be the duty of the fish wardens to enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but they shall not exercise jurisdiction in any other county unless so instructed in writing by the commissioner of sea and shore fisheries. The commissioner of sea and shore fisheries and fish wardens may, with or without warrant, enter upon any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, and seize and carry away all fish and lobsters liable to seizure found therein, and may, with or without warrant, search and seize any car or pound used for the keeping of fish or lobsters, and seize and carry away all fish or lobsters liable to seizure found therein, the fish or lobsters in each case to be disposed of according to law. Any magistrate may issue warrants to search, within his jurisdiction, any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, to the commissioner of sea and shore fisheries, or any fish warden appointed and qualified as provided in this chapter. Such warrants shall issue subject to the requirements of section twelve of chapter one hundred and thirty-two of the revised statutes.

Duty of  
wardens to  
enforce laws  
relating to  
sea and shore  
fisheries in  
counties  
where they  
reside.—commis-  
sioner and  
wardens may  
enter any  
vessel, etc.,  
without  
warrant  
and seize  
fish and  
lobsters.—magistrates  
may issue  
warrants to  
search any  
vessel, etc.—how  
warrants  
shall issue.

Section 7. It shall be the duty of each warden to make a detailed monthly report to the commissioner of sea and shore

Wardens  
shall make

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monthly  
report.

fisheries of all that has come to his knowledge relating to the fisheries within his county, or in any county where he has rendered services, from the first day of one month to the first day of the following month, in such a manner and on such blanks as the commissioner may prescribe and furnish, and to do such other acts as the commissioner may require for the purpose of gaining information and for the proper enforcement of the law.

Commis-  
sioner may  
take any fish  
at all times  
for scientific  
purposes, etc.

Section 8. The commissioner of sea and shore fisheries may take fish of any kind, when, where, and in such manner as he chooses for the purpose of science, of cultivation and of dissemination, and he may grant written permits to other persons to take fish for the same purposes, and may introduce or permit to be introduced any kind of fish into any waters. He may, after a hearing, set apart for a term not exceeding ten years, any waters for the use of himself or of the United States commissioner of fish and fisheries in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In waters so set apart he and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish cultural and scientific work, take fish at any time or in any manner, and erect and maintain any fixture necessary for such purposes. No other person shall take or kill any fish, or use any implement for fishing therein, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; provided, however, that before such hearing he shall give notice thereof by publication of his intention for two successive weeks in at least one newspaper printed in the county where such waters lie.

—may set  
apart any  
waters for  
fish culture.

—order shall  
be recorded.

—may, with  
United States  
commissioner  
take fish any  
time in such  
waters.

—penalty if  
any other  
person takes  
fish from  
such waters.

Appointment  
of inspectors  
of fish.

Section 9. In each town where pickled fish are cured or packed for exportation, the governor, with the advice and consent of the council, shall, from time to time, as occasion requires, appoint one or more persons skilled in the quality of the same, to be inspectors of fish, who shall hold their office for five years, unless sooner removed by the governor and council.

—term.

Inspectors  
shall be  
sworn and  
give bond.

Section 10. Every such inspector, before entering upon his duties, shall be sworn, and give bonds with sufficient sureties to the treasurer of the town for which he is appointed, to the satisfaction of the municipal officers thereof, in the penal sum of not less than five hundred nor more than five thousand dollars, for the faithful performance of his official duties; and such officers shall, at least once a year, examine the bonds given by said inspectors, and if that of any inspector is not in their opinion sufficient they shall forthwith notify him, and if, he for thirty

days thereafter neglects to give satisfactory bond, they shall give information thereof to the governor who shall remove him from office.

Section 11. Every inspector shall, by the thirtieth day of November, annually, make a return into the office of the commissioner of sea and shore fisheries of all fish by him inspected during the year preceding the thirtieth day of such November, designating the quantities, kinds, and qualities of pickled fish, and said commissioner shall embody the substance thereof in his next official report.

Shall make return annually of all fish inspected.

Section 12. Any person injured by the neglect or misdoings of an inspector, on tendering to such treasurer a reasonable indemnity against the costs may bring an action on such inspector's bond in the name of the treasurer, for his own use, and may have a copy of the bond therefor; and if judgment is rendered thereon for the plaintiff, execution shall issue for the sum found due to the person for whose use such action is brought, and the sum awarded in damages shall be entered by the clerk of the court on the original bond, to remain in the custody of the treasurer.

Any person injured by neglect of inspector may bring action on bond.

Section 13. Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in barrels, half barrels, quarter barrels, and tenths of barrels or kits; each barrel containing two hundred pounds, and so on in that proportion; and the same shall be packed in good, clean coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear, strong pickle, and shall be branded by the inspector with the name and quality of the fish therein.

How fish shall be inspected and packed.

—how branded.

Section 14. Mackerel of the best quantity, not mutilated, measuring, when split, not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from taint, rust or damage, shall be branded 'Number one;' the next best quality, being not less than eleven inches, measuring as aforesaid, free from taint, rust or damage, shall be branded 'Number two;' those that remain after the above selection, free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded 'Number three large;' those of the next inferior, free from taint or damage, not less than ten inches, measured as aforesaid, shall be branded 'Number three;' all other mackerel, free from taint or damage, shall be branded 'Number three small.' The inspector shall brand or stencil in plain letters on the head of every such cask, the weight, the

Mackerel of best quality shall be branded number 1.

—number two.

—number three, large.

—number three.

—number three, small.  
—casks, how branded.

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initials of his christian name, the whole of his surname, the name of his town, and the letters 'Me.,' and an abridgment in figures, of the year when packed.

Quality of  
casks and  
how made.

Section 15. All barrels and casks used for packing pickled fish, shall be made of sound, well seasoned white oak, white ash, spruce, pine, chestnut or poplar staves with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, free from sap, and the barrels hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves shall be twenty-eight inches in length, and the heads not less than sixteen and one-half inches between the chimes, and made in a workmanlike manner, to hold pickle. The barrels from twenty-eight to thirty gallons each, and the aliquot parts of a barrel in the same proportion.

—dimensions.

Pickled ale-  
wives and  
herring, how  
prepared and  
packed.

Section 16. Every inspector who inspects pickled alewives or herring, or other small fish, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand or stencil all such casks with the name of the inspected fish as aforesaid.

Fees for  
inspection  
and branding  
to be  
advanced by  
owner, and  
finally paid  
by buyer.

Section 17. The fees for inspection and branding, exclusive of cooperage, are for each barrel seven cents, and all such fees shall in the first instance be paid by the original owners of the fish, who may recover the amount thereof from the party buying or receiving the same, under the marks and brand aforesaid, and in addition to the price thereof.

Penalty for  
selling or  
exporting  
uninspected  
or damaged  
fish.

Section 18. Whoever sells in the state, or exports therefrom any fish in barrels or boxes, not inspected, packed and branded, as aforesaid, except good and wholesome fish packed in kegs of less than ten gallons, or pickled, dry or smoked fish imported into the state from some other state or country lawfully inspected and branded there, and whoever sells or exports unlawfully any fish known by him to be tainted or damaged, unless sold as such, forfeits ten dollars for every hundred weight thus sold or exported.

Penalty for  
attempting to  
export un-  
inspected fish.

Section 19. Whoever ships or receives on board any vessel or other carriage for transportation from the state, any pickled fish in barrels, parts of barrels, or casks, not inspected and branded or stenciled as aforesaid, forfeits not less than fifty dollars for each offense, and any trial justice may issue his warrant to the proper officer, directing him to seize and secure such prohibited fish, and convey it to any inspector within a convenient distance for inspection; and whoever refuses to give necessary aid in the service of such warrant when required by the officer, forfeits five dollars to the prosecutor in an action of debt; and

—trial justice  
may issue  
warrant for  
seizure of.



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such inspector shall open, inspect, pack, and brand such fish according to law, and detain the same until all lawful charges of seizure and inspection are paid.

—penalty for refusing to aid officer.

Section 20. If any person takes from a cask or barrel, any pickled fish lawfully inspected and branded, and substitutes therefor or fraudulently intermixes other fish; or if any inspector marks any cask or barrel out of his own town, or which he has not inspected, packed, and himself prepared according to law; permits other persons unlawfully to use his brands, or willfully and fraudulently uses the same himself after the expiration of his commission, he forfeits one dollar for each cask or barrel so dealt with; but an inspector may, after a satisfactory examination, brand such packages, thereby becoming responsible for the quality of the contents as represented by his brand.

Penalty for intermixing inspected fish.

—for fraud of inspector.

Section 21. It is unlawful to catch, buy or sell, or expose for sale, or possess for any purpose any lobster less than ten and one-half inches in length, alive or dead, cooked or uncooked, measured in manner as follows: taking the length of the back of the lobster, measured from the bone of the nose to the end of bone of the middle flipper of the tail, the length to be taken in a gauge with a cleat upon each end of the same, measuring ten and one-half inches between said cleats, with the lobster laid and extended upon its back its natural length upon the gauge, without stretching or pulling, and any lobster shorter than the prescribed length when caught shall be liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, exposed for sale or in possession. The possession of mutilated, uncooked lobsters shall be prima facie evidence that they are not of the required length.

Unlawful to catch lobsters less than  $10\frac{1}{2}$  inches.

—How measured.

—penalty.

Section 22. It is unlawful to destroy, catch, buy, sell, expose for sale or possess any female lobsters in spawn or with eggs attached at any season of the year, under a penalty of ten dollars for each lobster so destroyed, caught, bought, sold, exposed for sale or possessed, provided, however, if it appears that it was intended to liberate them in accordance with the provisions of this act, the person having such lobsters in possession shall not be liable to any of the penalties herein provided for, though he may have failed, for any cause not within his control, to so liberate them.

Close time on female lobsters.

—penalty.

—exceptions.

Section 23. It shall be unlawful to can, preserve or pickle lobsters less than ten and one-half inches in length, alive or dead, measured as aforesaid; and for every lobster canned, preserved or pickled contrary to the provisions of this section, every person, firm, association or corporation so canning, preserving or pickling, shall be liable to a penalty of one dollar for every lob-

Unlawful to can lobster less than  $10\frac{1}{2}$  inches.

—penalty.

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ster so canned, preserved or pickled contrary to the provisions of this section, and a further penalty of three hundred dollars for every day on which such unlawful canning, preserving or pickling is carried on.

How packages of lobsters in transit shall be marked.

Section 24. All barrels, boxes, or other packages in transit containing lobsters, shall be marked with the word 'lobsters' in capital letters, at least one inch in length, together with the full name of the shipper; said marking shall be placed in a plain and legible manner on the outside of such barrel, boxes or other packages; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit, containing lobsters, which are not so marked, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters, less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such lobsters as are of the prescribed length, found in such barrels, boxes or packages, together with such barrels, boxes and packages, shall be forfeited and disposed of under the provisions of section twenty-nine of this act.

—lobsters of less than prescribed length, in case of seizure, shall be liberated.

Penalty for shipping lobsters without having barrels, etc., properly marked.

Section 25. Every person, firm, association or corporation who ships lobsters without having the barrels, boxes or other packages in which the same are contained, marked as prescribed in the previous section, shall upon conviction be punished by a fine of twenty-five dollars, and upon subsequent conviction thereof by a fine of fifty dollars; and any person or corporation in the business of a common carrier of merchandise, who shall carry or transport from place to place lobsters in barrels, boxes or other packages not so marked, shall be liable to a penalty of fifty dollars upon each conviction thereof.

—penalty if common carriers transport lobsters in barrels not marked.

Cars in which lobsters are kept shall be branded with name of owner.

Section 26. All cars in which lobsters are kept and all lobster cars while in the water, shall have the name of the owner or owners thereof on the top of the car, where it may be plainly seen, in letters no less than three-fourths of an inch in length, plainly carved or branded thereon, and all traps, nets, or other devices for the catching of lobsters, shall have, while in the water, the owner's name carved or branded in like manner on all the buoys attached to said traps or other devices, under a penalty of ten dollars for each car, and five dollars for each trap or device not so marked; and if sufficient proof to establish the ownership of such cars or traps cannot be readily obtained they may be declared forfeited, subject to the provisions of section twenty-nine of this act.

—penalty for neglect.

Lobster traps shall not be set within 300 feet of fish weir.

Section 27. All persons are hereby prohibited from setting any lobster traps within three hundred feet of the mouth or outer end of the leaders of any fish weir, under a penalty of ten dollars for each offense.

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Section 28. Whoever takes up, or attempts to take up, or in any way knowingly and willfully interferes with any lobster trap while set for use, without the authority of the owner thereof, shall be punished by a fine of not less than twenty nor more than fifty dollars; provided, however, that no action, complaint or indictment shall be maintained under this section unless the name of the owner of all such traps shall be carved or branded in legible letters, not less than three-fourths of an inch in length, on all the buoys connected with such traps.

Penalty for willful interference with any lobster trap.

—does not apply to unmarked traps.

Section 29. When any lobsters are seized by virtue of the provisions of this act, it shall be the duty of the officer making such seizure to cause such lobsters, so seized, as he is not required by law to liberate, together with the cars, traps, barrels, boxes or other packages in which they are contained, to be appraised within twenty-four hours after the time of such seizure by three disinterested men residing in the county where such seizure is made, to be selected by him, and the lobsters, cars, traps, barrels, boxes or other packages so seized and appraised shall thereupon be sold by the officer making the seizure thereof, at such time and in such manner as shall by him be deemed proper. The officer making such seizure and sale shall within ten days after the time of such seizure file a libel in behalf of the state before a trial justice, or a judge of a police or municipal court of the county in which such seizure was made, setting forth the fact of such seizure, appraisal and sale, the time and place of the seizure, the number of lobsters, cars, traps, barrels, boxes, or other packages so seized and sold and the amount of the proceeds of such sale; and such trial justice or judge shall appoint a time and place for the hearing on such libel, and shall issue a notice of the same to all persons interested to appear at the time and place appointed, and show cause why the lobsters, cars, traps, barrels, boxes or other packages so seized and sold, and the proceeds of such sale, should not be declared forfeited, which notice shall be served upon the owner, if known, and by causing an attested copy of such libel and notice to be posted in two public and conspicuous places in the town in which the seizure was made, seven days at least before the time of hearing. If any person appears at the time and place of hearing and claims that the lobsters, cars, traps, barrels, boxes or other packages so seized and sold were not liable to forfeiture at the time of seizure, and that he was entitled thereto, the trial justice or judge shall hear and determine the cause, and if he shall decide that such lobsters, cars, traps, barrels, boxes or other packages, at the time of seizure were not liable to forfeiture and that the claimant was entitled thereto, he shall order the proceeds of such sale to be paid to the claimant; if no claimant shall appear, or if

How lobster cars, etc., seized under this act shall be disposed of.

—officer making seizure shall file libel in behalf of the state.

—what shall be set forth in libel.

—judge shall appoint time and place for hearing.

—if claimant appears judge shall determine the cause.

—if claim is allowed, proceeds shall be paid claimant.

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—if no claimant appears judge shall decree a forfeiture.

—proceeds shall finally be paid to the state treasurer.

—claimant may appeal to supreme judicial court.

—fees and costs how paid.

Duties of commissioner.

—penalty for taking of herring for canning less than 8 inches long between December 1 and May 10.

—penalty for packing herring without heading and eviscerating the same.

—amount of oil and mustard that shall be used in packing herring.

such trial justice or judge shall decide that such lobsters, traps, cars, barrels, boxes or other packages, at the time of seizure were liable for forfeiture, or that the claimant was not entitled thereto, he shall decree a forfeiture of such lobsters, cars, traps, barrels, boxes or other packages and of the proceeds of sale, and shall order the proceeds of sale, after deducting all lawful charges, to be paid to the state treasurer, to be used as directed in section seventy-one of this act, and shall render judgment against the claimant for costs to be taxed as in civil suits, and issue execution therefor against him in favor of the state, which costs, when collected, shall be paid in to the treasurer of the state, to be added to and made a part of the appropriation for sea and shore fisheries. The claimant shall have the right of appeal to the next supreme judicial court or superior court in the county, upon recognizing and paying the fees for copies and entry as in cases of appeal in criminal cases. The fees and costs of seizure, appraisal and sale, and in all other proceedings in the case, shall be as provided by law in criminal cases, and, in case a forfeiture shall be declared, shall be paid out of the proceeds of the sale, otherwise shall be paid by the county, as in criminal cases.

Section 30. The commissioner of sea and shore fisheries shall require a strict observance of the following rules: Whoever catches, takes, preserves, sells, or offers for sale between the first day of December and the tenth day of the following May, any herring for canning purposes less than eight inches long, measured from one extreme to the other, or packs or cans sardines of any description, between the first day of December and the tenth day of the following May, forfeits twenty dollars for every hundred cans so packed or canned, and for every hundred herring so taken; and whoever either bakes, fries, packs or cans any herring or other fish for sardines without first heading and eviscerating the same, and whoever sells, offers for sale or has in his possession for sale any sardines packed without being so headed and eviscerated shall forfeit twenty dollars for every hundred cans so packed, sold, offered for sale or in possession for sale, to be recovered by indictment or action of debt. In packing herring, mackerel or other fish in hermetically sealed cans, either in oil, mustard or vinegar, there shall be used not less than three quarts of oil, of the first quality, pure summer or winter cotton oil or any food oil of equal quality, for every hundred cans so packed of the size known as quarter oils; three quarts of mustard sauce of good quality for every fifty cans of the size known as three quarter mustards; and for every one hundred cans of the size known as one quarter mustards; one gallon of vinegar for every one hundred cans of the size known as one quarter spiced; and for every fifty cans of the size known

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as three-quarter spiced or tomato. Proprietors of fish packing factories shall provide sealed measures holding one-hundredth part of three quarts each, which shall be used in measuring all oil into quarter oil sardine cans, and measures holding one-fiftieth part of a gallon which shall be used in measuring all mustard sauce and vinegar into three-quarter size cans used in packing sardines, and all fish packed as aforesaid shall be when so packed good and sound, except that they shall be cleaned, headed and eviscerated. Whoever packs or cans or causes to be packed or canned any fish in violation of this section shall forfeit twenty dollars for every one hundred cans, or fifty cans as aforesaid, as the case may be, so packed by him or by his employes, to be recovered by complaint.

—how oil shall be measured.

—penalty for packing in violation of this act.

Section 31. All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed, all leaks, swell heads and blow heads, shall be thoroughly mended and filled with oil or vinegar, as per kind of sardines, and then bathed in boiling water for not less than twenty minutes, or in retort, at a temperature of two hundred and forty degrees, not less than five minutes. Whoever sells or offers for sale, any sardines in violation of this section shall forfeit one dollar for every can so sold or offered for sale, to be recovered by complaint, indictment or action of debt.

Cans shall be labeled with quantity, packers name and place of business.

—how swell heads, etc., shall be treated.

—penalty for selling sardines in violation of this section.

Section 32. No can of sardines shall be packed with less than six fish and no fish shall be packed as sardines unless they have been headed and eviscerated within twenty-four hours from the time they arrive at the factory. No fish shall be baked for sardines in ovens unless they shall first be properly flaked in rows and laid on without overlapping. Whoever flakes, bakes or packs any sardines in violation of this section forfeits five dollars for every hundred fish so flaked, baked or packed, to be recovered by indictment or action of debt.

No can shall contain less than six fish.

—fish shall be flaked before baking.

—penalty for violation.

Section 33. Section thirty-two of this act shall not apply to certain articles of stock in possession of any packer of sardines when this act is approved, as follows: decorated tin plate, cans, metal, labels and cans of sardines, nor to goods packed previous to the approval of this act. But this exemption does not apply to any of the methods, processes or regulations in regard to canning sardines or mending leaky cans provided for in this act. All packers of sardines shall file with the commissioner of sea and shore fisheries, or his wardens, within ten days after the approval of this act, a true list or schedule of all decorated cans and tin plate, metal, labels and cans of sardines, in his possession at the time of the approval of this act, subscribed and sworn to by said packer of sardines before a notary or justice of the peace, otherwise he shall not obtain the benefits of this section.

Section 32 of this act shall not apply to certain articles in stock.

—packers shall file schedule of all cans, etc., in possession on approval of this act.

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Commissioner shall insist on enforcement of sections 30, 31, 32 and 33, and require bond of wardens.

Section 34. The commissioner of sea and shore fisheries shall insist upon the strict enforcement of sections thirty, thirty-one, thirty-two and thirty-three and require his wardens who have jurisdiction in localities where sardine canning factories are located, to give a good and sufficient bond in the sum of five thousand dollars payable to the treasurer of the state of Maine, said bond to be deposited in the state treasury, to guarantee the faithful and strict enforcement of the provisions of this act and its penalties, and in no case shall a packer or sardines be accepted as a surety.

Commissioner and wardens may enter any canning establishment on purposes of investigation.

Section 35. The commissioner of sea and shore fisheries or his wardens shall inquire into violations of the laws relating to sardines and enforce the penalties thereto, and for the purpose of inquiring into any violation of said laws, and enforcing the penalties thereof, such commissioner or his deputies may at all reasonable times enter any manufactory, or canning establishment, and make investigations concerning the methods employed and the condition of the product, and if necessary, open packages and cut open cans of sardines for such investigation. Sufficient wardens shall be appointed by the commissioner of sea and shore fisheries to enforce the provisions of this act, and for the city of Eastport and town of Lubec not less than two each, and the compensation of the wardens shall be two dollars per day and expenses when actually employed. No person shall be eligible for appointment as warden who is the owner in a sardine factory or a relative of such an owner in the town where such factory is located.

—wardens for Eastport and Lubec.

—eligibility of wardens.

Penalty for using torches for purpose of driving herring.

Section 36. No person shall use in the herring fishery, in any of the waters of this state, torches or any artificial light, of any kind, for the purpose of driving herring under a penalty of ten dollars for each offense.

Towns may regulate taking of clams within its limits.

Section 37. Any town may at its annual meeting fix the times in which clams may be taken within its limits, and the prices for which its municipal officers shall grant permits therefor; and unless so regulated by vote, residents of the town may take clams without written permit. But without permit any inhabitant within his own town, or transient person therein, may take clams for the consumption of himself and family. This section does not apply to hotel keepers taking clams for the use of their hotels, nor does it interfere with any law relating to the taking of shell fish for bait by fishermen. Whoever takes clams contrary to municipal regulations authorized by this section, shall, for each offense, be fined not more than ten dollars, or imprisoned not more than thirty days or both. In all contracts relating to the sale of clam bait by the barrel, and clam bait

Clams may be taken for family use without permit.

—section does not apply to hotels, nor taking of clams for bait.

—penalty for taking clams unlawfully.

—size of bait barrels.

barrels, unless otherwise specified in the contract, a barrel shall be twenty-seven and one-half inches long, sixteen inches head diameter, outside measure, holding not less than twenty-one gallons and not more than twenty-three gallons.

Section 38. The canning, packing and barreling of clams, either fresh or in salt, and the digging of clams for the purpose of canning, packing or barreling, between the first day of June and the fifteenth day of September following, is hereby prohibited under a penalty of one dollar per bushel in the shell. But this section shall not apply to the barreling of clams in the shell for consumption in this state.

Close time for clams between June 1 and September 15.

—penalty.

Section 39. The shipping or transportation of clams in any manner beyond the limits of the state, between the first day of June and the fifteenth day of September following, except clams which had been canned, packed or barreled between the fifteenth day of September and the first day of June, is hereby prohibited under a penalty of three dollars for each bushel so shipped or transported.

Transportation of clams between June 1 and September 15, prohibited.

—exceptions.

—penalty.

Section 40. Any inhabitant of the state, with consent of the adjacent riparian proprietors, may plant oysters below low water mark in any navigable waters, in places where there is no natural oyster bed; inclose such grounds with stakes, set at suitable distances, and extending at least two feet above high water mark; but so as not to obstruct the free navigation of such waters, and have the exclusive right of taking such oysters. Whoever trespasses on such inclosure, or injures such oyster beds, is liable in an action of trespass for all damages; and if he takes any oysters therein without the consent of the owner, he shall forfeit not less than twenty nor more than fifty dollars, or be imprisoned not exceeding three months.

Any inhabitant may plant oysters and have exclusive right to take same.

—penalty for trespassing on such beds.

Section 41. It shall be unlawful to use any purse or drag seines in the following waters, but no others: In Casco bay north of a line drawn easterly from Prince's point in the town of Yarmouth to Bear island in the town of Phippsburg, excepting for smelts, bluebacks and spurling. In Kennebec river above a line drawn across said river from Fort Popham in the town of Phippsburg to a point opposite at the lower end of Long island in the town of Georgetown. In the Sheepscot river above a bridge leading from Wiscasset to Edgecomb. In Damariscotta river above a line drawn from Farnham's head in the town of Boothbay to a point opposite on the shore in the town of Bristol, excepting the use of drag seines between the above line and The Ledges, for all fish excepting alewives. In Medomak river, above a line drawn from Martin's point in the town of Friend-

Unlawful to use purse or drag seines in certain waters.

—Casco bay.

—exceptions.

—Kennebec river between Fort Popham and Georgetown.

—Sheepscot river.

—Damariscotta river.

—exception.

—Medomak river.

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- ship, westerly by the northeast end of Hog island to a point opposite in the town of Bremen, or to take smelts in said river and its tributaries in any other way than by hook and line. In Georges river, above a line drawn from Hooper's point in the town of Saint George, westerly past the northerly end of Caldwell's island to a point opposite on the shore in the town of Cushing, or to take smelts in said river and its tributaries in any other way than by hook and line, or dip nets, no individual to take more than one-half bushel of smelts within a period of twenty-four hours with dip net. In all bays, inlets, rivers and harbors east of the west shore of the Penobscot bay and river where any entrance to the same or any part thereof from main land to main land is not more than three nautical miles in width, but purse and drag seines may be used for the purpose of taking smelts in these waters, except in Bluehill bay. The taking of herring, or fishing therefor, by the use of purse or drag seines and all other seines or nets, except the use of seines or nets in weirs, from the first day of June to the first day of November in the waters of Machias bay and its approaches inside of or to the northward of a direct line drawn straight from the highest summit of the island called The Brothers, easterly to a point one-half mile distant and due south from Libby island light house thence from said point easterly to the southerly extremity of the southern island called Double Head Shots, is hereby prohibited.
- Any person violating any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars for each offense, to be recovered in an action of debt.

—Georges river.

—Amount of smelts taken, limited.

—all bays and harbors east of west shore of Penobscot river and bay.

—smelts may be taken with purse seines except in Bluehill bay.

—taking of herring with drag seines or nets, seines in weirs excepted, between June 1 and November 1 in Machias bay, prohibited.

—penalty.

Waters exempted from provisions relating to migratory fish.

—Little river, exempt in April, May and June.

Salmon, shad, etc., not to be taken or fished for at certain points on Penobscot, Kennebec and St. Croix rivers from April 1 to

Section 42. The following waters and their tributaries are exempt from the provisions relating to 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; so much of the waters of Damariscotta river as are west of the railroad bridge near Damariscotta Mills; the eastern Penobscot river in Orland; Winslow's stream in Penobscot; all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin and Sullivan; Pleasant river in Washington county and East Machias river. Little river, in Perry, shall be exempt from all the provisions of law, that relate to maintaining fishways in said river, except during April, May and June.

Section 43. No salmon, shad or other migratory fish shall be taken or fished for within five hundred yards of any fishway, dam, or mill race; nor in the Penobscot river between the mouth of the Kenduskeag stream and the water works dam at Treat's falls on said river, nor between the Augusta highway bridge over the Kennebec river and the Augusta dam; nor any salmon five



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hundred feet above Ferry point bridge on the Saint Croix river in Calais, between the first days of April and November, except by the ordinary mode of angling with single hook and line or artificial flies; nor shall hook and line or artificial flies be used at any time within one hundred yards of any fishway, dam or mill race; but this section shall not apply to the taking of alewives by the town of Warren in the Georges river, and by the town of Waldoboro in Medomak river, under the authority granted said towns by a private and special law of Massachusetts, passed March six, eighteen hundred and two, and amendments thereof, passed by the legislature of this state; nor shall it apply to the taking of alewives by the town of Woolwich in Nequasset stream; fly fishing shall be allowed up to the bridge across the Denny's river at Lincoln's mill, but not between said bridge and Lincoln's mill dam. But this section shall not apply to the Laconia falls and the Lower falls, so called, of the Saco river, located at Biddeford and Saco; and upon the first three days of each week, from the first of June to the first of September of each year, all persons may dip for salmon, shad and alewives at the falls last named above. But it shall be lawful for any person to take any salmon, shad or alewives in the waters of Orange river, in the town of Whiting, in the county of Washington, up to one hundred and thirty yards of the fishway at the lower dam in said river, subject, however, to all the laws of the state, and laws regulating the taking of such fish in said river. The penalty for any violation of this section is a fine of not more than fifty nor less than ten dollars for each offense, and a further fine of ten dollars for each salmon and one dollar for each shad so taken.

Section 44. No person shall set any net or seine within five hundred feet of the mouth of any weir under a penalty of fifty dollars for each offense.

Section 45. The owner or person in charge of any weir is hereby permitted to use nets and seines in such weir.

Section 46. From the fifteenth day of July to the first day of April following, there shall be a close time for salmon during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty nor less than ten dollars, and a further penalty of ten dollars for each salmon so taken or killed. Provided, however, that between the fifteenth days of July and September it is lawful to fish for and take salmon by the ordinary mode, with rod and single line, but not otherwise. But it shall be lawful to take salmon by weirs on the Saint Croix river below the breakwater at the ledge between the fifteenth day of May and the first of September.

November 1,  
except by  
ordinary  
angling.

—no fishing  
near fishway  
or dam.

—section does  
not apply to  
taking of  
alewives in  
Georges river.

—nor Wool-  
wich.

—fly fishing  
permitted in  
Denny's river.

—section does  
not apply to  
Laconia and  
Lower falls of  
Saco river.

—salmon may  
be taken with  
dip net at  
falls above  
named.

—salmon shall  
not be taken  
in Whiting  
within 130  
yards of  
fishway.

—penalty.

Penalty for  
setting net or  
seine within  
500 feet of a  
weir.

Nets and  
seines may be  
used in weirs.

Close time for  
salmon  
between July  
15 and April 1.

—penalty.

Salmon may  
be taken by  
ordinary  
mode  
between July  
15 and Sep-  
tember 15.

—may be  
taken by  
weirs in  
St. Croix river  
between May  
15 and Sep-  
tember 1.

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Weekly close  
time of 48  
hours  
between  
April 1 and  
July 15  
established.

—how it shall  
be observed.

—penalty.

—rivers to  
which section  
does not  
apply.

—close time  
for Damaris-  
cotta river.

Close time for  
smelts be-  
tween April 1  
and October 1.

—penalty for  
violation.

—weirs shall  
be opened  
and nets re-  
moved by  
April 1.

—penalty.

—certain  
weirs  
excepted.

—smelts  
caught in  
such weirs  
shall not be  
sold or  
shipped be-  
tween April 1  
and October 1.

—penalty.

—dip nets  
may be used  
between  
April 1 and  
May 1.

—Section  
does not  
apply to  
smelts taken  
in Andros-  
coggin river

Section 47. Between the first day of April and the fifteenth day of July there shall be a weekly close time of forty-eight hours from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken. During the weekly close time all seines, nets, and other movable apparatus shall be removed from the water. Every weir shall have, in that part where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore and there remain during the weekly close time, to the intent that during said close time the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance which tends to hinder such fish shall be placed in any part thereof. If the inclosure where the fish are taken is furnished with a board floor, an opening extending from the floor to the top of the weir is equivalent to one extending from the bottom to the top. The penalty for the violation of this section is twenty dollars for each offense. This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the Saint Croix river below the break-water at the ledge. Provided, however, that the weekly close time on the Damariscotta river below the bridge at Damariscotta shall be from sunset on each Saturday night to twelve o'clock on the following Sunday night.

Section 48. No smelts shall be taken or fished for in tidal waters, except by hook and line, between the first days of April and October, under a penalty of not less than ten, nor more than thirty dollars for each offense, and a further penalty of twenty cents for each smelt so taken; and all weirs for the capture of smelts shall be opened and so remain, and all nets used in the smelt and tom-cod fishery, shall be taken from the water on or before said first day of April, under a penalty of not less than twenty nor more than fifty dollars, and a further fine of five dollars for each day that any such weir or net remains in violation of law. But weirs with catch pounds covered with nets, the meshes of which are one inch square in the clear, or greater, are not subject to this section. But no smelts caught in such weirs after the first day of April, shall be sold or offered for sale in this state, nor shall smelts caught in any manner between the first day of April and the first day of October following be offered for sale, sold, or shipped from the state under a penalty of twenty-five dollars for each offense; provided, however, that dip nets may be used between the first day of April and the first day

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of May, and all smelts caught by dip nets between said days, may be lawfully offered, for sale and sold in this state; provided, further, that this section does not apply to smelts taken in the Androscoggin river above the Merrymeeting bay bridge, between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries between the first and fifteenth days of April, nor to smelts taken in Casco bay between the fifteenth day of September and the first day of October, nor to smelts taken in Taunton bay between the first day of April and the first day of May, nor smelts taken in Little Kennebec bay, so called, in the county of Washington, between the first day of April and the first day of May.

Section 49. No net, the meshes of which are smaller than one inch square in the clear shall be used in any waters frequented by migratory fishes, except the Saint Croix river, between the first days of April and October, under a penalty of not more than twenty nor less than ten dollars for each offense. But this section shall not apply to dip nets.

Section 50. No weir, hedge, set net or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than two feet of water at ordinary low water, under a penalty of not more than one hundred, nor less than fifty dollars, and forfeiture of all apparatus and material so unlawfully used. This provision applies to any seine or drift net which is at any time attached to a stationary object, but not to fykes or bag-nets used in the winter fishery for smelts and tom-cods, nor to any implements lawfully used above the flow of tide, nor to any portion of Penobscot river, bay or tributaries, nor to the Saint Croix river five hundred feet above Ferry's point, in Calais.

Section 51. The limit of depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, provided that no part of the weir known as the leader, is in more than two feet of water at low water mark. Weirs may exceed the limit of two feet depth, measured as aforesaid, under the following conditions: first, the distance from the before mentioned two feet limit to the entrance of such weir, shall not exceed one hundred feet; second, no such weir shall obstruct more than one-eighth of the channel, except that in the Cathance, Abbagadasset and Eastern rivers, such weirs may extend twenty-five feet beyond the one-eighth aforesaid, provided such extension shall not exceed one-fourth of the width of the channel in the Abbagadasset and Eastern rivers; third, every such weir shall be stripped so as to render it incapable of taking fish between the

between  
October 1  
and Novem-  
ber 1.

—Penobscot  
river between  
April 1st and  
the 15th.

—Casco bay  
between  
September 15,  
to October 1.

—Taunton  
bay and Little  
Kennebec  
bay, Washing-  
ton county,  
between  
April 1 and  
May 1.

Nets with  
meshes  
smaller than  
one inch  
prohibited.

—St. Croix  
river between  
April 1 and  
October 1,  
excepted.

—penalty.

No stationary  
contrivance  
shall extend  
into more  
than two feet  
of water.

—penalty.

—how this  
provision  
shall apply.

—Penobscot  
and St. Croix  
rivers  
excepted.

Depth of  
weirs how  
measured.

—conditions  
under which  
limit may be  
exceeded.

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—standard for low water on the Kennebec river.

—provisions do not apply to weirs used for taking herring and other salt water fish.

Boats, etc., and fish taken in violation, forfeited.

Penalty for taking alewives in Damariscotta river except by hook and line.

—all devices shall be forfeited.

—right of towns not abridged.

Close time from April 1, to July 15 for 10 years in Pemaquid river established.

—penalty.

Fishing about Pemaquid falls restricted to 4 days in each week.

—fishing season shall be from April 1 to July 16.

Persons not authorized shall not be

twenty-fifth day of June and the fifteenth day of August of each year; but these conditions apply only to weirs that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river, is in all cases the nearest bench mark of the United States coast survey, allowance being made at the various points for the difference in time. The provisions of this and the preceding sections do not apply to weirs built for the purpose of taking herring, or other salt water fish.

Section 52. All boats, implements and materials used and all fish taken in violation of sections thirty-five and thirty-six are forfeited.

Section 53. Whoever shall construct, set, maintain or use any net, weir, seine or other device, in the waters of the Damariscotta river, northerly of the bridge between the villages of Newcastle and Damariscotta, for the purpose of taking or catching alewives, or whoever shall take or catch any alewives within said limits, except by hook and line, shall be punished by a fine of two hundred dollars for each offense; all nets, weirs, seines or other machines or devices, prohibited as aforesaid, shall be deemed forfeited and contraband, and any member of the fish committee of the towns of Newcastle or Nobleborough finding them in such use, may destroy them. But nothing in this section shall be construed to abridge or effect in any manner, the rights and privileges now held by law, by said towns of Newcastle and Nobleborough in the alewife fishery in the said Damariscotta river.

Section 54. From the first day of April to the fifteenth day of July in each year, all persons are hereby prohibited from fishing with nets, seines, traps, weirs, or any other contrivance, in that part of Pemaquid river which lies between Pemaquid falls and a line drawn west from the site of the old Pemaquid fort, for the term of ten years from the twelfth day of February, eighteen hundred and ninety-five. Any person violating any of the provisions of this section shall be subject to a fine of one hundred dollars, and forfeiture of all boats, nets and apparatus used in such illegal fishing.

Section 55. All fishing for alewives at or about Pemaquid falls below the mill dam, shall be restricted to four days in each week, and the fishing season shall be from the first day of April to the fifteenth day of July of each year, for the term aforesaid, and all fishing shall be under such regulations and further restrictions as the fish committee of the town of Bristol shall decide upon.

Section 56. No person not authorized by the fish committee of the town of Bristol, shall be allowed to catch or disturb any

alewives in Pemaquid river above the flow of the tide, and no person unless authorized by said fish committee, shall set traps, or use any other contrivance, for catching eels, or any other fish, that shall in any way interfere with the passage, either way, of alewives old or young; any person violating this section shall be subject to a fine of twenty-five dollars and one dollar for each fish so taken or destroyed.

Section 57. A bounty of one dollar for each and every seal killed in the waters of this state shall be paid by the treasurer of the town in which such seal is killed, to the person exhibiting to said treasurer the nose of such seal within thirty days after said seal was killed. Such treasurer shall destroy it, and shall then proceed as in sections six and seven of chapter thirty of the revised statutes. The carcasses of such seals when destroyed shall not be left derelict in any waters of the state, but shall be removed therefrom and properly disposed of by the persons destroying them; provided, however, that it shall be unlawful during the months of June, July and August to destroy seals in the waters of Casco bay by shooting with rifle or other long range weapon, which might endanger human life, under a penalty for a violation of either of the provisions of this section, of fifty dollars, to be recovered upon complaint or indictment, before any court of competent jurisdiction.

Section 58. Cities, towns and plantations are authorized to raise annually, by a two-thirds vote at their annual meeting, a sum not exceeding five hundred dollars, to be expended by the municipal officers thereof or by a commission elected by the cities, towns or plantations, for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditures thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.

Section 59. 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, that he furnishes suitable passages 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.

Section 60. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own inclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation, but he shall not sell them for food at seasons when the taking thereof is prohibited, under a

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allowed to catch alewives or any fish in Pemaquid river.

—penalty.

Bounty on seals.

—carcass shall not be left derelict in any waters.

—shall not be destroyed with long range weapons in Casco bay during June, July and August.

Cities and towns authorized to raise money for propagation of fish.

Waters may be inclosed for cultivation of fish.

—proviso.

Fish may be taken by owner of enclosed waters.

—penalty for selling for food during close time.

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penalty of not less than ten nor more one hundred dollars, and a further penalty of not less than one dollar for each fish so sold.

Provisions for artificial propagation of certain fish.

Section 61. Any person engaged in the artificial propagation of trout, or fresh and salt water salmon, when the parent fish are taken from public waters in the state, shall retain not less than twenty-five per cent of all eggs taken from said parent fish and cause the same to be properly cared for and hatched, and when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters under a penalty of not less than fifty nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case less than twenty-five per cent of the young fish to be returned as provided in this section.

--penalty for violation.

--exceptions.

Fines for fishing in waters where fish are artificially cultivated.

Section 62. No person, without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained, under a penalty of not less than ten nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and in default of payment such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

Persons deriving special benefit from protected waters shall post notices of such protection.

Section 63. It shall be the duty of all persons who are now or may hereafter derive special benefits from legislation for the protection of fish in any waters of this state, in excess of what is or may be derived by others, to publish such protection by posting and maintaining notices substantially as hereinafter provided. Said notices shall be placed on the banks or shores of such protected waters not more than ten feet nor less than six feet above the ground, in a conspicuous position; and if on running water such notices shall be not more than one-half mile apart on the banks of such waters; and if on a pond or lake, not more than one mile apart on the shores of such pond or lake.

--where same shall be placed.

Form of such notices, prescribed.

Section 64. Said notices shall be painted on wood in black Roman letters not less than two inches in length and not less than one-half inch in breadth, so that such letters shall be plainly legible, and such notices shall state the number of the act and the date of the same giving the said protection to such waters.

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Section 65. Any one mutilating or destroying such notices, shall be subject to the same penalties as set forth in section twenty, chapter one hundred and twenty-seven of the revised statutes.

Penalty for mutilating.

Section 66. In case no notices as herein provided are posted and maintained on waters that are protected by special law then no one violating such laws shall be liable thereunder to any penalties set forth in such laws.

Persons violating law not liable if notices are not posted.

Section 67. Sections sixty-three, sixty-four, sixty-five and sixty-six shall not apply to towns which by special act have acquired vested rights in any fishery in said towns.

Sections 63, 64, 65 and 66 not applicable to towns having special rights to any fishery.

Section 68. All vessels, boats, craft, owned and officered by non-residents, and apparatus of every kind, employed in unlawful fishing, or having on board any fish unlawfully taken, are liable for all fines and costs herein provided for; and any officer may seize and detain said property not exceeding twenty-four hours, in order that it may be attached and taken by due process of law to satisfy any judgment that may be recovered, but it shall, at any time be released on payment, by the owner or master, of the fine, costs and reasonable expenses.

Vessels of all kinds owned by non-residents liable for unlawful fishing.

—any officer may detain such property 24 hours in order that it may be attached.

Section 69. No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or taking fish under a penalty of one hundred dollars and, in addition thereto, two months imprisonment in the county jail for each offense.

Penalty for using explosives to destroy fish.

Section 70. In all prosecutions under this chapter and the amendments and additions thereto, municipal and police judges and trial justices within their counties have by complaint original and concurrent jurisdiction with the supreme judicial and superior courts.

Municipal judges and trial justices shall have jurisdiction.

Section 71. All fines and penalties under this act may be recovered by complaint, indictment or action of debt made or brought in the county where the offense is committed. The action of debt shall be brought in the name of the commissioner of sea and shore fisheries, and all offenses under, or violations of, the provisions of this statute, may be settled by the commissioner of sea and shore fisheries, upon such terms and conditions as he deems advisable. All fines, penalties and collections under this act shall be paid to the state treasurer, to be added to and made a part of the appropriation for sea and shore fisheries.

Fines may be recovered by complaint, indictment or action of debt.

—when by action of debt it shall be in the name of commissioner.

—he may settle all offenses.

—how fines shall be disposed of.

Section 72. All acts or parts of acts, relating to the regulation of the lobster fisheries, to the packing, canning and inspection of herring, sardines, and clams, heretofore passed, and the following sections of chapter forty of the revised statutes,

Inconsistent acts repealed.

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namely: sections one to thirty-three, both inclusive; sections forty to forty-six, both inclusive; sections fifty-six, sixty to sixty-six, both inclusive, so far as they relate to sea and shore fisheries; sections sixty-eight, sixty-nine and seventy-three, and all acts amendatory of or additional to any of the foregoing acts or sections; chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven, and all acts or parts of acts additional to or amendatory thereof; and all other acts or parts of acts inconsistent with this act, are hereby repealed. But this act shall not be construed as repealing any of the laws relating to inland fish and game.

—Act does not interfere with inland fish and game laws.

Approved March 22, 1901.

### Chapter 285.

An Act providing for State Roads and for the improvement thereof.

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

Towns may establish state roads.

Section 1. Upon the request of the municipal officers of any town, the county commissioners of the county wherein said town is located, shall designate that highway running through said town which in their judgment is the main thoroughfare, and said highway shall be known as a state road.

Towns establishing state roads may receive state aid in improving the same.

Section 2. Towns establishing state roads as aforesaid may, on complying with the conditions hereinafter set forth, receive from the state one-half of the amount actually expended in permanent improvement of said roads, not exceeding one hundred dollars per year; provided that no town shall receive such state aid unless its appropriation and expenditure for such road shall amount to at least one hundred dollars and shall have been exclusive of and in addition to the amount regularly raised in such town for highways and bridges; and provided also, that the amount so expended shall be used before the first day of August in permanent improvement of a continuous portion of said road, and in a manner satisfactory to the county commissioners of the county wherein said road is located. Such aid shall be paid from the state treasury on and after the first day of January, upon certificate by the governor and council as provided by section three.

—when money shall be expended.

—when aid shall be paid.

Municipal officers shall make return to county

Section 3. Municipal officers of towns improving state roads under the foregoing provisions shall annually before the first day of September make return, under oath, to the county com-