

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Provided, however, that nothing in this act shall be construed to allow the shipment of trout, at a season when the catching of trout is prohibited by the laws of the state of Maine.

Section 2. This act shall take effect when approved.

Approved March 18, 1905.

—shall not
ship trout in
close time.

Chapter 88.

An Act for the encouragement, development and conservation of the Shellfish Industry.

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

Section 1. The commissioner of sea and shore fisheries is hereby authorized and directed to expend from the moneys appropriated for the year nineteen hundred and five, for the protection of sea and shore fisheries, so much thereof, not exceeding the sum of one thousand dollars, as may be found necessary to make such experiments as in his judgment are necessary to conserve, extend, encourage, develop, improve and increase the shellfish industry in this state; and he is authorized, during the year nineteen hundred and six, to expend from the same appropriation and for the same purposes, not exceeding the sum of one thousand dollars, if in his judgment such expenditure can be judiciously made in the prosecution of the purposes and objects of this act.

A sum not to
exceed \$1,000
may be
expended for
development
of shellfish
industry.

Section 2. Said commissioner, in addition to the authority granted him under the provisions of section forty of chapter thirty-two of the revised statutes, may, for the purposes of this act, take any shore rights, flats and waters not exceeding an area of two acres in extent at any one location, and hold the same for a period not exceeding ten years; and such location when so taken may be used by said commissioner, or by the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and scientific research relative to shellfish, or other fish over which said commissioner now has supervision; and whenever said commissioner shall deem it necessary in the furtherance of the objects and purposes of this act to take any such shore rights, flats and waters, he shall proceed in accordance with the provisions of section forty of chapter thirty-two; and in addition thereto shall cause a copy of so much of the proceedings as will show the character and extent of the shore rights, flats and waters taken, and also the location thereof, and time for which taken, to be posted near

Commis-
sioner of sea
and shore
fisheries may
take land, for
purposes of
this act.

—not to
exceed two
acres in one
location.

—shall file
copy of
proceedings
and location
of land taken.

CHAP. 88

—shall give public notice of taking of shore rights, etc.

—by lease, etc., may acquire more than two acres.

Persons wishing to develop shell fish industry may, under direction of commissioner, have not exceeding one acre set apart for that purpose.

—hearing shall be had.

—may issue certificate.

—certificate shall be recorded.

—public notice of issuance of certificate shall be given.

the location, and shall also cause suitable marks or ranges to be set upon the adjacent upland so as to define, as far as practicable, the limits and boundaries of the location to be used in such experiments; and shall cause public notice of the taking of such shore rights, flats or waters to be given by publishing the fact of such taking once a week for three successive weeks in a newspaper published in the county where the shore rights, flats or waters are situated.

And said commissioner may take possession of by agreement, lease or grant and under such terms and conditions as may be agreed upon with the owner thereof, suitable shellfish grounds, flats, waters and water rights, not limited to two acres in area, with necessary shore rights, and may use and operate the same under the provisions of and for the purposes of this act.

Section 3. The commissioner, upon the application of any person or corporation interested or engaged in scientific research relating to shellfish, or other fish over which the commissioner has supervision, or in the cultivation and development of the shellfish industry for economic purposes, setting forth their desire to make experiments relative to the cultivation and conservation of shellfish, or such other fish over which the commissioner now has supervision, shall, after being satisfied of the facts set out in said application, and that the applicant either owns or has the consent, so far as the same can be granted, of the owner of the flats, shore rights and waters where such work is to be undertaken, and that the granting of such rights will not unreasonably interfere with navigation, give notice of a hearing on such application, by causing the same to be published at least two weeks in some newspaper published in the county where the proposed location is situated, and stating therein the time and place where such hearing will occur; and if, upon such hearing, the commissioner is satisfied that the interests of the state will be promoted by such experiments, he shall issue a certificate setting apart so much of such shores, flats and water privileges, not exceeding one acre in extent, to any one of such applicants, and for such length of time, not exceeding the period of six years, as in his judgment may be necessary and proper to accomplish the ends sought to be obtained.

Such certificate shall be recorded in the registry of deeds of the county in which the location is situated, and the applicant shall also cause public notice of the issuance of such certificate to be given by publishing the same in a newspaper published in the county where such location is situated, and by posting in a conspicuous place near said location a copy of such certificate, and also by placing stakes or other monuments upon the adjoin-

ing upland, so as to designate the locations so set apart, as the commissioner shall, in his certificate specify.

Section 4. No person shall, during the period that such shores, flats and waters are taken for the purposes of this act, take, dig, fish or in any manner destroy or interfere with such fish, or interfere with the shores, flats and waters so set apart, under a penalty of not less than fifty dollars, nor more than one hundred dollars, for each and every violation of the provisions of this act, or by imprisonment not exceeding thirty days, or both, as the court before which proceedings for such violation may be instituted, shall determine.

All persons forbidden to take fish on shores taken under this act.

—penalty.

Section 5. The penalty provided for by this act may be recovered by complaint, indictment, or action of debt in the name of the commissioner of sea and shore fisheries, or his successor in said office, and all fines and penalties recovered under this act, after restoring the damages sustained by the person holding such certificate, shall be paid to the state treasurer, and added to the appropriation for sea and shore fisheries.

Penalty, how recovered.

Section 6. This act shall take effect when approved.

Approved March 18, 1905.

Chapter 89.

An Act to provide notice to Beneficiaries under Wills.

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

Section 1. When wills are presented and allowed in the several courts of probate in this state, it shall be the duty of the registers to notify the several beneficiaries under the same that bequests have been made to them and by whom.

Beneficiaries shall be notified of bequests.

Section 2. Beneficiaries under wills, notified as provided in section one of this act, shall upon application, be furnished with copy of so much of the will as relates to them, upon a payment of a fee of fifty cents, provided the copy does not exceed ten lines on legal cap paper of not less than ten words in each line and five cents for each additional line of ten words.

Shall have, on application, copy of such part of will as relates to them.

—fee for copy.

Section 3. This act shall take effect when approved.

Approved March 18, 1905.