

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 35.

An Act to amend Section forty-four of Chapter forty-one of the Revised Statutes, relating to the taking of Smelts.

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

Section 1. Section forty-four of chapter forty-one of the revised statutes, as amended by chapters twenty, thirty, and ninety-one of the public laws of nineteen hundred and five, is hereby further amended by striking out the words "first and the fifteenth days of April" in the thirty-fourth and thirty-fifth lines thereof and inserting in the place thereof the words 'first day of April and the first day of May,' so that said section as amended, shall read as follows:

'Section 44. 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 open and so remain, and all nets used in the smelt and tomcod 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 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, or in Narraguagus bay or river between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries between the first and thirtieth 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 Franklin bay between the first day of April and the first day of May, nor to smelts taken in Little Kennebec bay, so called, or in Narraguagus bay or river, in the county of Washington, between the first day of April and the first day of May, nor to smelts taken in West

Section 44, chapter 41, R. S., as amended by chapters 20, 30 and 91, public laws 1905, further amended.

Close time for smelts.

—penalty.

—weirs shall be open.

—penalty.

—certain weirs excepted.

—sale of smelts restricted.

—use of dip nets.

—Androscoggin river.
—Narraguagus bay.
—Penobscot river.

—Casco bay.
—Franklin bay.

—Little Kennebec bay.

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—West bay.

—Passama-
maquoddy
bay.

bay and West bay stream, so called, in the town of Gouldsboro, Hancock county, between the first day of April and the first day of May, nor to smelts taken in Passamaquoddy bay between the first day of September and the first day of October.'

Section 2. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 36.

An Act to amend Chapter one hundred thirty-four of the Revised Statutes, relating to recognizances in Criminal Cases.

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

A person
arrested on
criminal
process
may give
personal
recognizance
and deposit
amount
of bail.

Chapter one hundred thirty-four of the revised statutes is hereby amended by adding thereto the following sections:

'Section 28. When a person arrested on a criminal process has been ordered to recognize with sureties for his appearance before any court, he may, instead of giving sureties, at any time give his personal recognizance and deposit in money the amount of the bail which he is ordered to furnish, with the clerk of such court; in case there is no clerk, with the justice of such court, and such justice or clerk shall give him a certificate thereof, and upon delivering such certificate to the officer having him in custody, he shall be discharged from such custody.'

Respondent
may surren-
der himself
before
default.

'Section 29. If money has been deposited as aforesaid, the respondent at any time before default, may surrender himself in the same manner that sureties in criminal cases may surrender their principal, and thereupon the money so deposited shall be returned to the respondent or his order.'

Court may
order deposit
forfeited.

'Section 30. In case of the default of the defendant, said court may at any time thereafter order the money deposited as aforesaid to be forfeited, and the said justice or clerk with whom said deposit is made shall thereupon immediately pay over the said money to the county treasurer.'

'Section 31. At any time after a default, and before the money has been declared forfeited in accordance with section thirty, the defendant may surrender himself in the manner provided in section twenty-nine, and after deducting any amount which the state has disbursed for the apprehension of the said respondent, the court may order the whole or any part of the remainder of the said money to be returned to the defendant as justice may require.'

Approved March 6, 1907.