

# MAINE STATE LEGISLATURE

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

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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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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

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**Chapter 135.**

An Act in addition to Chapter ninety-seven of the Revised Statutes, relating to Waste and Trespass on real estate.

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

Whoever wilfully or knowingly cuts down, destroys, injures or carries away, any ornamental or fruit trees, timber, wood, underwood, stones, gravel, or goods or property of any kind, from land not his own, without license of the owner, or knowingly or wilfully injures or throws down any fences, bars or gates, or leaves such gates open, or breaks glass in any building, is liable in double damages to the owner in an action of trespass.

Trespass on lands of another, without his consent.

Approved March 26, 1907.

**Chapter 136.**

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; and as further amended by chapters twelve and thirty-five of the public laws of nineteen hundred and seven is hereby further amended by striking out the word "first" in the thirty-second line and substituting therefor the word 'twentieth' so that the section as amended, shall read as follows:

Section 44, chapter 41, R. S., as amended by chapters 20, 30 and 91, public laws 1905, as amended by chapters 12 and 35, public laws 1907, further amended.

'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 the 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

Close time on smelts.

—penalty for violation.

—weirs shall be open and nets removed.

—penalty.

—certain weirs excepted.

—sale of smelts restricted.

**CHAP. 137**

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 twentieth day of May, nor to smelts taken in West 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 and Cobscook bay and the coves and inlets tributary to these bays between the first day of September and the first day of October.'

Section 2. This act shall take effect when approved.

Approved March 26, 1907.

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### Chapter 137.

An Act to amend Section four of Chapter eighty-five of the Public Laws of nineteen hundred and five, relating to the appointment of Receivers.

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

Section 4,  
chapter 85,  
public laws  
1905,  
amended.

Section four of chapter eighty-five of the public laws of nineteen hundred and five, is hereby amended by striking therefrom the words "and all claims not so presented shall be forever barred," so that said section as amended, shall read as follows:

Court shall  
limit time  
for presen-  
tation of  
claims.

'Section 4. Whenever a receiver is appointed as above, the court shall limit a time, not less than four months, of which decree notice shall be given, within which all claims against said corporations shall be presented, and make such order for the manner of hearing and proving the same as may be just and proper.'

Approved March 26, 1907.