

# 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-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

---

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

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1909

---

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

---

and shall have the same powers and duties in carrying out the provisions of this act as selectmen of towns.'

Section 2. Section fifty-eight of chapter seven of the revised statutes is hereby amended by striking out the words in the first and second lines, "and county commissioners, the latter with respect to unorganized places," so that said section when amended, shall read:

Section 58,  
chapter 7,  
R. S.,  
amended.

'Section 58. Municipal officers in towns shall proceed immediately to a strict inquiry into the cause and origin of fires within wood lands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.'

Inquiry  
shall be  
made into  
origin of  
woodland  
fires.

Section 3. Section fifty-nine of chapter seven of the revised statutes is hereby amended by striking out the words in the second, third and fourth lines, "and the county commissioners where a forest fire of more than two acres has occurred in any of the unincorporated places in any county within a year," so that said section when amended shall read:

Section 59,  
chapter 7,  
R. S.,  
amended.

'Section 59. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, within a month shall report to the forest commissioner the extent of area burned over to the best of their information, together with the probable amount of property destroyed, specifying the value of timber as near as may be, and the amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the cause of these fires if they can be ascertained, and the measures employed and found effective in checking their progress. Blanks for the reports required in this act shall be furnished by said forest commissioner at the expense of the state.'

Selectmen  
shall make  
report of  
any forest  
fire.

—report  
cause of  
fire.

—blanks.

Approved March 29, 1909.

## Chapter 165.

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 People of the State of Maine, as follows:*

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, thirty-five and one hundred and twenty-three of the public laws of nineteen hundred and seven is hereby further amended by adding in the eleventh line after the word "greater" the words 'and weirs with catch pounds

Section 44,  
chapter 41,  
R. S., as  
amended by  
chapters  
20, 30 and  
91, public  
laws, 1905,  
as amended  
by chap-  
ters 12, 35  
and 123,

## CHAP. 165

public laws,  
1907,  
further  
amended.

Close time  
on smelts.

—penalty.

—weirs  
shall be  
open and  
all nets  
taken from  
water.

—penalty.

—certain  
weirs ex-  
cepted.

—sale of  
smelts re-  
stricted.

—penalty.  
—use of  
dip nets.

—exceptions.

—Andros-  
coggin  
river.

—Narragua-  
gus bay.

—Penobscot  
river.

—Casco  
bay.

—Franklin  
bay.

—Little  
Kennebec  
bay.

—Narragua-  
gus bay.

—West bay  
and West  
bay stream.

—Passa-  
maquoddy  
bay.

St. Croix  
river and  
Cobscook  
bay.

covered with net which are erected and used for the catching of herring,' 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 the law. But weirs with catch pounds covered with nets, the meshes of which are one inch square in the clear, or greater, and weirs with catch pounds covered with net which are erected and used for the catching of herring, 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 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, Saint Croix river and Cobscook bay and the coves and inlets tributary to these bays between the first day of September and the first day of October.'