

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

1919

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States, now or hereafter declared renders a beverage intoxicating,' so that said section, as amended, shall read as follows:

'**Sec. 21. Term "intoxicating liquors" redefined to accord with federal law.** No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin; wine, ale, porter, strong beer, lager beer and all other malt liquors, and cider when kept or deposited with intent to sell the same for tipping purposes, or as a beverage, and all distilled spirits, as well as any beverage containing a percentage of alcohol, which by federal enactment, or by decision of the supreme court of the United States, now or hereafter declared, renders a beverage intoxicating, are declared intoxicating within the meaning of this chapter; but this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating.'

Approved April 4, 1919.

Chapter 236.

An Act to Amend Sections Six and Seven of Chapter Thirty-three of the Revised Statutes, as Amended by Chapters Two Hundred and Nineteen and Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen, Relating to Providing Dams with Fishways.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 33, § 6; 1917, c. 219, am. § 6; 1917, c. 244; relating to providing dams with fishways, amended. Section six of chapter thirty-three of the revised statutes, as amended by chapters two hundred and nineteen and two hundred and forty-four of the public laws of nineteen hundred and seventeen, is hereby amended by striking out all of said section and by substituting therefor the following section:

'**Sec. 6. Appeal to be taken to justice of supreme court instead of county commissioners; proceedings.** If the commissioner of inland fisheries and game deems it expedient that any dam or other artificial obstruction above tidewater in any river or stream frequented by salmon, landlocked salmon, shad, alewives, or other migratory fish shall be provided with a fishway, he shall give fourteen days' notice in writing to one or more of the owners or occupants of such dam or other obstruction for a hearing thereon. If, after said hearing, the commissioner finds the fishway to be expedient, he may, by an order in writing, require said owner or occupant to provide said dam or obstruction with a durable and efficient fishway within such time and with such specifications as to location, form and capacity as shall be specified in said order. Certified copies of said order shall be mailed to some owner or occupant of said dam or other artificial obstruction. An appeal may be taken by such owner or occupant from any order of said commissioner to any justice of the supreme judicial court within

fourteen days after the mailing of the copy of said order, by filing in the office of the clerk of the supreme judicial court in the county in which said dam or other obstruction is located, notice in writing of such appeal, stating the reasons therefor. Said justice shall appoint a time to view the premises and hear the parties and give due notice thereof and after such hearing he shall decide all questions in relation thereto and cause record to be made thereof. If the requirements of the commissioner of inland fisheries and game are affirmed, the owner or occupant of any such dam shall be liable for the costs of all proceedings arising after the appeal, otherwise said costs shall be paid by the state. On the completion of a fishway to the satisfaction of the commissioner of inland fisheries and game, or at any subsequent time, he shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such writing shall be served on the owner or occupant of the dam. The commissioner of inland fisheries and game may change the time as he sees fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. If a fishway thus required to be built is not completed to the satisfaction of the commissioner of inland fisheries and game within the time specified, or if a fishway, when completed, is not kept open and unobstructed as required by regulations made by said commissioner in accordance herewith, each owner or occupant shall forfeit not more than one hundred, nor less than twenty dollars, for every day of such neglect.'

Sec. 2. R. S., c. 33, § 7; 1917, c. 219, am. § 7; 1917, c. 244, amended; relating to keeping of fishways in repair, amended. Section seven of chapter thirty-three of the revised statutes, as amended by chapters two hundred and nineteen and two hundred and forty-four of the public laws of nineteen hundred and seventeen, is hereby amended by striking out all of said section and by substituting therefor the following section:

'Sec. 7. Right of appeal given if cost of alterations exceeds \$500. Whenever the commissioner of inland fisheries and game finds a fishway out of repair or needing alterations, he may, as in the case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the preceding section without appeal, unless the cost of said repairs or alterations, as estimated by said commissioner, exceeds five hundred dollars, in which case an appeal may be taken as provided in the preceding section. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway,

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the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the state, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioner of inland fisheries and game or of any inland fish and game warden who shall give to such owner or occupant, and all persons interested therein, such notice as the court or any justice thereof in vacation orders, and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioner of inland fisheries and game may delegate to any inland fish and game warden or other lawful officer of inland fisheries and game any of the powers given to said commissioner in relation to the construction of fishways.'

Approved April 4, 1919.

Chapter 237.

An Act to Amend Section Three and Section Twelve of Chapter Thirty-six of the Revised Statutes, Relating to Marking Packages of Agricultural Seeds.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 36, § 3; relating to marking of agricultural seeds, amended. Section three of chapter thirty-six of the revised statutes is hereby amended by adding thereto the words 'together with the name and amount of each kind of weed seed contained therein, and also a guarantee of the germinating power of the seed and the date of the test for germination', so that said section, as so amended, and as further amended by Senate amendment A, Senate amendment B and House amendment A, shall read as follows:

'Sec. 3. Name and approximate amount of noxious weed seed and guarantee of germination power and date of test for germination included. Every lot or package of agricultural seed which is sold, distributed, transported, offered or exposed for sale, distribution or transportation for seed, in the state by any dealer in seed shall have affixed in a conspicuous place on the outside thereof, a plainly written or printed statement clearly and truly giving the name thereof and its minimum percentage of purity and freedom from foreign matter, together with the name and approximate amount of each kind of noxious weed seed contained therein, and also a guarantee of the germinating power of the seed and the date of the test for germination.'