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Sea and Shore Fisheries General Laws, ca. 1913

Maine Department of Sea and Shore Fisheries

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Appointment and Duties of the Commissioner.

(As am. by P. L. 1905, Chap. 16.)

'Sec. 1. The governor, with the advice and consent of the council, shall appoint a commissioner who shall have general supervision of the sea and shore fisheries and shell fish regulated by this chapter, and shall hold his office for three years and until his successor is appointed and qualified. He shall exercise supervision over all the fisheries and their products taken from the tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen shell or other fish. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of men employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries, excepting the sardine fishery, concerning which no statement or estimate of the number of cases packed shall be made.'

Appointment and Qualification of Wardens.

Sec. 2. The governor with the advice and consent of the council upon the recommendation of the commissioner of sea and shore fisheries, may appoint suitable
persons as fish wardens, who shall hold a term of three years unless sooner removed, shall enforce all laws and the rules and regulations to sea and shore fisheries, arrest all violators and prosecute all offenses against the same; they shall have the same power to serve criminal processes on such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond with two good and sufficient sureties in the penal sum of two thousand dollars, approved by the commissioner of sea and shore fisheries, to the treasurer of state, conditioned for the faithful performance of the duties of their office. The commissioner of sea and shore fisheries may appoint deputy wardens, for whose official misconduct and neglect he shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioner may revoke such appointment at any time.

**Arrest, Search and Seizure Without a Warrant.**

(As am. by P. L. 1905, Chap. 108.)

'Sec. 3. The fish wardens shall enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but they shall not exercise jurisdiction in any other county unless so instructed in writing by the commissioner of sea and shore fisheries.

The commissioner of sea and shore fisheries and fish wardens may with or without a warrant arrest any person whom they may have reasonable grounds to believe
guilty of violating any of the provisions of this chapter, and may with or without a warrant enter upon, open and search any vessel, boat, building, car, trap or other receptacle or place where they have reasonable grounds to believe that fish or lobsters liable to seizure are to be found, and seize and carry away all fish or lobsters liable to seizure found therein, and any lobster car, trap, net, barrel, box or package in which the same are found or which are liable to seizure under any of the provisions of this chapter, the fish, lobsters or other property thus seized to be disposed of according to law, but no dwelling house or hotel shall be searched without a warrant issued for that purpose, and then only in the day time and no lobster car, marked with the name of the owner as required by law, shall be opened or bailed by any officer without a warrant, until notice of such intended search has been given to the owner of such car or person having the same in charge or such notice has been left at the residence or place of business of such owner or person. Any magistrate may issue warrants to search within his jurisdiction any dwelling house or hotel in the day time, or any building, vessel, boat, or receptacle for fish or lobsters, or any place or places used therefor to the commissioner of sea and shore fisheries, or fish warden appointed and qualified as provided in this chapter. Such warrants shall issue subject to the requirements of section thirteen of chapter one hundred and thirty-three.'


Sec. 4. Each warden shall make a detailed monthly report to the commissioner of sea and shore fisheries of all that has come to his knowledge relating to the fisheries within his county, or in any county where he has rendered services, from the first day of one month to the first day of the following month, in such a manner
and on such blanks as the commissioner may prescribe and furnish, and shall do such other acts as the commissioner may require for the purpose of gaining information and for the proper enforcement of the law.

APPOINTMENT OF INSPECTORS OF FISH.

Sec. 5. In each town where pickled fish are cured or packed for exportation, the governor, with the advice and consent of the council, shall, from time to time, as occasion requires, appoint one or more persons skilled in the quality of the same, to be inspectors of fish, who shall hold their office for five years, unless sooner removed by the governor and council.

Qualification of Inspectors.

Sec. 6. Every such inspector, before entering upon his duties, shall give bond with sufficient sureties to the treasurer of the town for which he is appointed, to the satisfaction of the municipal officers thereof, in the penal sum of not less than five hundred nor more than five thousand dollars, for the faithful performance of his official duties; and such officers shall, at least once a year, examine the bonds given by said inspectors, and if that of any inspector is not in their opinion sufficient, they shall forthwith notify him, and if for thirty days thereafter neglects he to give satisfactory bond, they shall give information thereof to the governor who shall remove him from office.

Report of Inspectors.

Sec. 7. Every inspector shall, by the thirtieth day of November, annually, make a return into the office of the commissioner of sea and shore fisheries of all fish by
him inspected during the year preceding the thirtieth day of such November, designating the quantities, kinds and qualities of pickled fish, and said commissioner shall embody the substance thereof in his next official report.

**Neglect of Inspectors.**

Sec. 8. Any person injured by the neglect or misdoings of an inspector, on tendering to such treasurer a reasonable indemnity against the costs may bring an action on such inspector's bond in the name of the treasurer, for his own use, and may have a copy of the bond therefor; and if judgment is rendered thereon for the plaintiff, execution shall issue for the sum found due to the person for whose use such action is brought, and the sum awarded in damages shall be entered by the clerk of the court on the original bond, to remain in the custody of the treasurer.

**Inspection of Pickled Fish.**

Sec. 9. Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in barrels, half barrels, quarter barrels and tenths of barrels or kits; each barrel containing two hundred pounds, and so on in that proportion; and the same shall be packed in good, clean coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear, strong pickle, and shall be branded by the inspector with the name and quality of the fish therein.
Mackerel.

Sec. 10. Mackerel of the best quality, not mutilated, measuring, when split, not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from taint, rust or damage, shall be branded "Number one;" the next best quality, being not less than eleven inches, measuring as aforesaid, free from taint, rust or damage, shall be branded "Number two;" those that remain after the above selection, free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded "Number three large;" those of the next inferior, free from taint or damage, not less than ten inches, measured as aforesaid, shall be branded "Number three;" all other mackerel, free from taint or damage, shall be branded "Number three small." The inspector shall brand or stencil in plain letters on the head of every such cask, the weight, the initials of his Christian name, the whole of his surname, the name of his town, and the letters "Me.," and an abridgment in figures, of the year when packed.

Pickled Fish Barrels.

Sec. 11. All barrels and casks used for packing pickled fish, shall be made of sound, well seasoned white oak, white ash, spruce, pine, chestnut or poplar staves with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, free from sap, and the barrels hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves shall be twenty-eight inches in length, and the heads not less than sixteen and one-half inches between the chimes, and made in a workmanlike manner, to hold pickle. The barrels from twenty-eight to thirty gallons each, and the aliquot parts of a barrel in the same proportion.
Curing and Packing of Round Fish.

Sec. 12. Every inspector who inspects pickled alewives or herring, or other small fish, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand or stencil all such casks with the name of the inspected fish as aforesaid.

Fees for Inspecting and Branding.

Sec. 13. The fees for inspection and branding, exclusive of cooperage, are for each barrel seven cents, and all such fees shall in the first instance be paid by the original owners of the fish, who may recover the amount thereof from the party buying or receiving the same, under the marks and brand aforesaid, and in addition to the price thereof.

Penalty for Selling Uninspected Packages.

Sec. 14. Whoever sells in the state or exports therefrom any fish in barrels or boxes, not inspected, packed and branded, as aforesaid, except good and wholesome fish packed in kegs of less than ten gallons, or pickled, dry or smoked fish imported into the state from some other state or country lawfully inspected and branded there, and whoever sells or exports unlawfully any fish known by him to be tainted or damaged, unless sold as such, forfeits ten dollars for every hundred weight thus sold or exported.

or Shipping them.

Sec. 15. Whoever ships or receives on board any vessel or other carriage for transportation from the
state, any pickled fish in barrels, parts of barrels, or casks, not inspected and branded or stenciled as aforesaid, forfeits not less than fifty dollars for each offense, and any trial justice may issue his warrant to the proper officer, directing him to seize and secure such prohibited fish, and convey it to any inspector within a convenient distance for inspection; and whoever refuses to give necessary aid in the service of such warrant when required by the officer, forfeits five dollars to the prosecutor in an action of debt; and such inspector shall open, inspect, pack and brand such fish according to law, and detain the same until all lawful charges of seizure and inspection are paid.

Fraudulent Substitution and use of brands.

Sec. 16. If any person takes from a cask or barrel, any pickled fish lawfully inspected and branded, and substitutes therefor or fraudulently intermixes other fish; or if any inspector marks any cask or barrel out of his own town, or which he has not inspected, packed, and himself prepared according to law; permits other persons unlawfully to use his brands, or wilfully and fraudulently uses the same himself after the expiration of his commission, he forfeits one dollar for each cask or barrel so dealt with; but an inspector may, after a satisfactory examination, brand such packages, thereby becoming responsible for the quality of the contents as represented by his brand.
LOBSTERS.

Legal Length—How Measured.

(As am. by P. L. 1907, Chap. 49; P. L. 1909, Chap. 67.)

Section 17. No person shall buy or sell, give away or expose for sale or possess for any purpose any lobster less than four and three-fourths inches in length, alive or dead, cooked or uncooked, measured in manner as follows: Taking the length of the back of the lobster measured from the end of the bone of the nose to the center of the rear end of the body shell; and any lobster shorter than the prescribed length when caught shall be immediately liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, given away, or exposed for sale or in possession. The possession of mutilated lobsters, cooked or uncooked, shall be prima facie evidence that they are not of the required length. All lobsters or parts of lobsters sold for use in this state or for export therefrom must be sold and delivered in the shell under a penalty of twenty dollars for each offense, and whoever ships, transports, carries, buys, gives away, sells or exposes for sale lobster meat after the same shall have been taken from the shell shall be liable to a penalty of one dollar for each pound of meat so shipped, transported, carried, bought, given away, sold or exposed for sale. Any person or corporation in the business of a common carrier of merchandise, who shall knowingly carry or transport from place to place lobster meat after the same shall have been taken from the shell shall be liable to a penalty of fifty dollars upon
each conviction thereof. All lobster meat so illegally shipped, transported, carried, bought, given away, sold or exposed for sale shall be liable to seizure and may be confiscated. Nothing contained herein shall be held to prohibit the sale of lobsters that have been legally canned.

**Lobsters with Eggs Attached.**

Sec. 18. The commissioner of sea and shore fisheries may purchase at a rate not exceeding twenty-five per cent above the market price, lobsters with eggs attached, caught along the coast of this state.

Whoever catches any such lobsters with eggs attached, may safely store the same in lobster cars or sections of cars used for that purpose only, and may keep them separate from other lobsters until such time as the commissioner or some person or persons designated by him can gather and pay for them. The commissioner or his agent shall liberate them in the vicinity of the location where they were caught; or said commissioner may at his discretion sell any portion or all of them to the officer in charge of the United States fish hatchery for artificial propagation, the proceeds to be applied to the appropriation made for carrying out the provisions of this section.

**Protection of Egg Lobsters.**

Sec. 19. No person shall destroy, catch, buy, sell, expose for sale or possess any female lobsters in spawn or with eggs attached at any season of the year, under a penalty of ten dollars for each lobster so destroyed, caught, bought, sold, exposed for sale, or possessed, provided, however, if it appears that it was intended to dispose of them in accordance with the preceding section, or to liberate them in accordance with the pro-
visions of this chapter, the person having such lobsters in possession shall not be liable to any of the penalties herein provided, though he may have failed, for any cause not within his control, to so liberate them.

Canning of Lobsters.

(As am. by P. L. 1909, Chap. 65.)

'Sec. 20. No person shall can lobsters less than four and three-fourths inches in length, alive or dead, measured in accordance with section seventeen of chapter forty-one of the revised statutes, as amended by chapter forty-nine of the public laws of nineteen hundred and seven; and for every lobster canned contrary to the provisions of this section, every person, firm, association or corporation so canning shall be liable to a penalty of one dollar for every lobster so canned contrary to the provisions of this section, and a further penalty of three hundred dollars for every day on which such unlawful canning is carried on.'

Intransit Packages to be Marked.

Sec. 21. All barrels, boxes or other packages in transit containing lobsters, shall be marked with the word "lobsters" in capital letters, at least one inch in length, together with the full name of the shipper; said marking shall be placed in a plain and legible manner on the outside of such barrels, boxes or other packages; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit, containing lobsters, which are not so marked, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters, less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such
lobsters as are of the prescribed length found in such barrels, boxes or packages, shall be forfeited and disposed of under the provisions of section twenty-six.

**Unmarked Packages.**

Sec. 22. Every person, firm, association or corporation who ships lobsters without having the barrels, boxes or other packages in which the same are contained, marked as prescribed in the previous section, shall upon conviction be punished by a fine of twenty-five dollars, and upon subsequent conviction thereof by a fine of fifty dollars, and any person or corporation in the business of a common carrier of merchandise, who shall carry or transport from place to place lobsters in barrels, boxes or other packages not so marked, shall be liable to a penalty of fifty dollars upon each conviction thereof.

**Lobster Cars and Traps Marked.**

Sec. 23. All cars in which lobsters are kept and all lobster cars while in the water, shall have the name of the owner or owners thereof on the top of the car, where it may be plainly seen in letters no less than three-fourths of an inch in length, plainly carved or branded thereon, and all traps, nets or other devices for the catching of lobsters, shall have while in the water, the owner's name carved or branded in like manner on all the buoys attached to said traps or other devices, under a penalty of ten dollars for each car, and five dollars for each trap or device not so marked; and if sufficient proof to establish the ownership of such cars or traps cannot be readily obtained they may be declared forfeited.

Sec. 24. No person shall set any lobster trap within
three hundred feet of the mouth or outer end of the leaders of any fish weir, under a penalty of ten dollars for each offense.

Interfering with Traps.

Sec. 25. Whoever takes up, or attempts to take up, or in any way knowingly and wilfully interferes with any lobster trap while set for use, without the authority of the owner thereof, shall be punished by a fine of not less than twenty nor more than fifty dollars; provided, however, that no action, complaint or indictment shall be maintained under this section unless the name of the owner of all such traps shall be carved or branded in legible letters, not less than three-fourths of an inch in length, on all the buoys connected with such traps.

Lobsters Seized, Proceedings.

Sec. 26. When any lobsters are seized by virtue of the provisions of this chapter, the officer making such seizure shall cause such lobsters, so seized, as he is not required by law to liberate, to be appraised within twenty-four hours after the time of such seizure, by three disinterested men residing in the county where such seizure is made, to be selected by him, and the lobsters so seized and appraised shall thereupon be sold by the officer making the seizure thereof, at such time and in such manner as shall by him be deemed proper. The officer making such seizure and sale shall within ten days after the time of such seizure file a libel in behalf of the state before a trial justice, or a judge of a police or municipal court of the county in which such seizure was made, setting forth the fact of such seizure, appraisal and sale, the time and place of the seizure, the number of lobsters so seized and sold and the amount of the proceeds of such sale; and such trial justice or
judge shall appoint a time and place for the hearing on such libel, and shall issue a notice of the same to all persons interested to appear at the time and place appointed, and show cause why the lobsters so seized and sold, and the proceeds of such sale, should not be declared forfeited, which notice shall be served upon the owner, if known, and by causing an attested copy of such libel and notice to be posted in two public and conspicuous places in the town in which the seizure was made, seven days at least before the time of hearing. If any person appears at the time and place of hearing and claims that the lobsters so seized and sold were not liable to forfeiture at the time of seizure, and that he was entitled thereto, the trial justice or judge shall hear and determine the cause, and if he shall decide that such lobsters at the time of seizure were not liable to forfeiture and that the claimant was entitled thereto, he shall order the proceeds of such sale to be paid to the claimant; if no claimant shall appear, or if such trial justice or judge shall decide that such lobsters, at the time of seizure, were liable to forfeiture, or that the claimant was not entitled thereto, he shall decree a forfeiture of such lobsters and of the proceeds of sale, and shall order the proceeds of sale, after deducting all lawful charges, to be paid to the treasurer of state, to be used as directed in section sixty-one, and shall render judgment against the claimant for costs to be taxed as in civil suits, and issue execution therefor against him in favor of the state, which costs, when collected, shall be paid in to the treasurer of state, to be added to and made a part of the appropriation for sea and shore fisheries. The claimant shall have the right of appeal to the next supreme judicial or superior court in the county, upon recognizing as in criminal cases. The fees and costs of seizure, appraisal and sale, and of all other proceedings in the case, shall be as provided by law in criminal cases, and, in case a forfeiture shall be de-
Canning of Herring—Sardines.

Sec. 27. The commissioner of sea and shore fisheries shall require a strict observance of the following rules: Whoever takes, preserves, sells or offers for sale between the first day of December and the fifteenth day of the following April, any herring for canning purposes less than eight inches long, measured from one extreme to the other, or packs or cans sardines of any description, between the first day of December and the fifteenth day of the following April, forfeits twenty dollars for every hundred cans so packed or canned, and for every hundred herring so taken. All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed, except sardines packed in plain cans and shipped for buyers' labels or cartons. Whoever sells or offers for sale any sardines in cans not so decorated or labeled, shall forfeit one dollar for every can so sold or offered for sale, to be recovered by complaint, indictment or action of debt. No person shall use in the herring fishery, in any of the waters of this state, torches or any artificial light, of any kind, for the purpose of catching herring, under a penalty of ten dollars for each offense.

Sec. 28. The commissioner of sea and shore fisheries shall insist upon the strict observance of the provisions of the preceding section and enforce the penalties for violation thereof.

Note. By P. L. 1905, chap. 16, sections 27 and 28 of Revised Statutes, chap. 41, were amended as above and sections 29, 30, 31, 32 and 33 were repealed.
CLAMS.

Municipal Officers to License.

(As. am. by P. L. 1905, Chap. 161; P. L. 1907, Chap. 125; P. L. 1909, Chap. 60.)

Section 34. Any town may at its annual meeting, fix the times in which clams may be taken within its limits, and the prices for which its municipal officers shall grant permits therefor; and unless so regulated by vote, residents of the town may take clams without written permit. But without permit, any inhabitant within his own town, or transient persons therein, may take clams for the consumption of himself and family. This section does not apply to hotel keepers taking clams for the use of their hotels, nor does it interfere with any law relating to the taking of shell fish for bait by fishermen. Whoever takes clams contrary to municipal regulations authorized by this section, shall, for each offense, be fined not more than ten dollars, or imprisoned not more than thirty days. In all contracts relating to the sale of clam bait, fresh or salt, by the barrel, and clam bait barrels, such barrel shall be twenty-five and one-fourth inches long and fifteen and one-half inches head diameter, outside measure. Whoever violates this provision shall be liable to a penalty not exceeding fifty dollars for each offense, to be recovered by action of debt.

Canning etc. of Clams.

Sec. 35. The canning, packing and barreling of clams, either fresh or in salt, and the digging of clams for the purpose of canning, packing or barreling, be-
between the first day of June and the fifteenth day of September following, is hereby prohibited under a penalty of one dollar a bushel in the shell. But this section shall not apply to the barreling of clams in the shell for consumption in this state.

Shipping of Clams Regulated.

Sec. 36. The shipping or transportation of clams in any manner beyond the limits of the state, between the first day of June and the fifteenth day of September following, except clams which had been canned, packed or barreled between the fifteenth day of September and the first day of June is hereby prohibited under a penalty of three dollars for each bushel so shipped or transported.

An Act to provide for the Propagation and Cultivation of Clams.

(P. L. 1911, Chap. 69.)

Sec. 1. Upon an application in writing, the mayor and aldermen of a city or the selectmen of a town shall grant a written license subject to such rules and regulations as are approved by the city council of the city, or by the voters of the town an annual or special town meeting, for the purposes of planting and cultivating clams upon and in not exceeding one-fourth of the flats and creeks of their respective cities and towns and within the limits to be specified in the license, for a term of not more than ten or less than five years, to any person who has resided in the state or who has been a taxpayer in the city or town for not less than one year preceding the date of his application; and all such licenses may be assigned by the licensee to any person who has been a resident of the state or a taxpayer in the city or town for not less than
one year preceding the date of the assignment, but shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

Sec. 2. The licenses herein provided for shall not be granted if their exercises would materially obstruct navigable water. No license shall be granted under this act until after a public hearing, stating the name and residence of the applicant, the date of the filing of the application, the location, area, and description of the grounds applied for, due notice of which has been posted in three or more public places, and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least ten days before the time fixed for the hearing. Said licenses shall be granted in all cases to the riparian proprietors of the adjacent property, when there are two or more applicants for the same territory and the adjacent riparian proprietor is one of them.

Sec. 3. It shall be unlawful, for any person, except the licensee or his agents or assignees, to dig or take clams or clam seed within the territory covered by a license granted hereunder, or to remove the same from the said territory.

Sec. 4. A license granted hereunder shall describe by metes and bounds the waters, flats and creeks, to which the license is applicable, and it shall have no force until it is recorded with the clerk of the city or town granting the same, and the licensee shall pay annually to the city or town a fee of not less than one dollar nor more than five dollars per acre for the license, as the mayor and aldermen of the city and the selectmen of the town may determine. A recording fee of fifty cents shall be paid to the clerk of the city or town for recording the said license or an assignment thereof. The said license and any assignments thereof shall be recorded in a book to be kept for the purpose
in the office of the clerk of the city or town, and such books shall be open to inspection by the public. Forms for licenses and for assignments shall be provided by the mayor and aldermen of a city or the selectmen of a town at the expense of the city or town.

Sec. 5. Before granting any license hereunder, the mayor and aldermen of a city or the selectmen of a town shall cause to be made a survey and plan of the territory within which licenses are to be granted, and shall cause to be marked upon a copy of such plan to be kept in the office of the city or town clerk the territory covered by any license issued by them. It shall be the duty of the licensee upon receiving his license to cause the territory covered thereby to be plainly marked out by stakes, buoys, ranges or monuments which shall be maintained by him during the term of the license. Failure to place or maintain the same shall be sufficient cause for revocation of the license by the authority granting the same.

Sec. 6. If it appears to the mayor and aldermen of a city or selectmen of a town granting a license hereunder that the licensee or his assignee does not actually occupy and use in good faith for the purposes specified in sections one and two of the territories covered by the license they shall petition the superior court of the county wherein the territory is situated to appoint a commission of one or more persons to investigate and report to the court as to the use and occupancy of such territory, and the court shall appoint a commission of one or more persons who, after twelve days' notice to the petitioners and the respondent, shall hear the petitioners and respondent and shall transmit their findings to the court. If it shall appear to the said court that the said territory is not used and occupied in good faith for the purpose stated in the license, the court may order that use of the territory shall revert to the city or town and that
all stakes or buoys and other appliances marking the same shall be removed. The costs upon said petition shall be assessed as the court may direct.

Sec. 7. The licensee, his heirs or assignees shall for the purposes described in the license have the exclusive use of the territory described therein during the term of the license and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams or other shellfish in the territory covered by the license or removes the same therefrom. Whoever so digs, takes or removes clams or other shellfish shall, in addition, be subject to a penalty of twenty dollars for each offense.

Sec. 8. All acts and parts of acts inconsistent here- with are hereby repealed.

An Act to prohibit the swelling of Scallop Meats by artificial means.

(P. L. 1909, Chap. 89.)

No person shall swell, or expand scallop meats, by artificial means, by the use of fresh water, baking soda, or by any other process. Whosoever violates the provisions of this act, shall be punished by a fine of five dollars for each gallon of scallops so treated. Judges of municipal courts and trial justices shall have jurisdiction of the offense described in this act. Said fine shall be collected by action of debt.

An Act to provide for a close time on Scallops.

(P. L. 1911, Chap. 2.)

Whereas, there is at the present time no general law providing a close time on scallops, and the beds are becoming seriously depleted to the point of absolute destruction; and as the next spawning season commences before a general law without an emergency clause can take effect; further, that about three hun-
dred families are dependent on this industry for their regular employment and livelihood, who will suffer deprivation and distress if this industry is destroyed; an emergency therefore exists, within the meaning of section sixteen, part third, article four, of the constitution of Maine, as amended, and the passage of a general close time law is immediately necessary for the preservation of the public peace, health, and safety; therefore,

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

Sec. 1. No person shall catch, buy or sell, expose for sale, give away or have in his possession for any purpose any scallops, shelled or in the shell, between the fifteenth day of April and the first day of November of each year.

Sec. 2. Any person violating the provisions of the foregoing section shall be liable to a penalty of fifty dollars and in addition shall pay a penalty of five dollars for each and every gallon or part thereof of shelled scallops, so bought, sold, exposed for sale, given away or in his possession; and shall pay a penalty of five dollars for each one hundred scallops or any part thereof, in the shell, so bought, sold, exposed for sale, given away or in his possession; and any boat with its equipment, engaged and used in such unlawful catching or selling of scallops may be seized and detained by an officer or warden, not exceeding twenty-four hours, in order that it may be attached or taken by due process of law, to satisfy any judgment that may be recovered; but said boat and equipment shall be released at any time on payment of penalty and costs legally due.

Scallop gear found on board any boat in close time shall be prima facie evidence of a violation of this act.

Sec. 3. Any penalty imposed by this act may be recovered by complaint, indictment or action of debt.
In all prosecutions under this chapter, municipal and police judges and trial justices within their counties have by complaint, original and concurrent jurisdiction with the supreme judicial court and superior courts.

Sec. 4. All acts or parts of acts, either general or special, relating to a close time on scallops or scallop fishing in this state, are hereby repealed.

Sec. 5. This act, being an emergency act, within the meaning of the constitution, shall take effect when approved by the governor. (Approved February 16, 1911.)

Private Oyster Reserves.

Sec. 37. Any inhabitant of the state, with consent of the adjacent riparian proprietors, may plant oysters below low water mark in any navigable waters, in places where there is no natural oyster bed; inclose such grounds with stakes, set at suitable distances, and extending at least two feet above high water mark, but so as not to obstruct the free navigation of such waters; and have the exclusive right of taking such oysters. Whoever trespasses on such inclosure or injures such oyster beds, is liable in an action of trespass for all damages; and if he takes any oysters therein without the consent of the owner, he shall forfeit not less than twenty nor more than fifty dollars, or be imprisoned not exceeding three months.

An Act for the propagation of Shell Fish on the coast of Maine.

(P. L. 1909, Chap. 265.)

Sec. 1. The commissioner of sea and shore fisheries is hereby authorized from time to time, as his judgment may determine, to select proper locations below low water mark on the coast of Maine for the propagation of oysters and quahaugs, and between high and
low water mark for the propagation of clams, cause the same to be properly stocked with oysters, quahaug, and clams, and erect proper and sufficient marks or bounds to indicate the locations thus made. But this act shall not be construed to authorize the taking of flats, which by the colonial ordinance of sixteen hundred and forty-one are possessed by the adjacent upland owners, without the consent of such owners and the payment of proper damages to such owners for such taking.

Section 2. No person shall dig, fish for, take or carry away any oysters, quahaug or clams within said locations without the permission in writing of the commissioner of sea and shore fisheries within three years from the time which any location may be stocked as aforesaid; nor shall any person wilfully injure, deface, destroy or remove any such bounds or marks, nor tie or fasten any boat or vessel thereto.

Sec. 3. Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days or both. The commissioner of sea and shore fisheries, his wardens and deputy wardens are charged with the enforcement of the provisions of this act and any fines collected under the provisions hereof shall be paid to the commissioner of sea and shore fisheries, and by him paid into the state treasury, to be added to the appropriation for sea and shore fisheries.

Sec. 4. For carrying out the provisions of this act there shall be, and hereby is, appropriated the sum of three thousand dollars.

Use of Seines, Weirs, Nets and Artificial Flies.

(As. am. by P. L. 1905, Chap. 143.)

Sec. 38. No person shall use any purse or drag seines in the following waters: In Casco bay north of
a line drawn easterly from Prince's point in the town of Yarmouth to Bear Island in the town of Phippsburg, excepting for smelts, bluebacks and spurling; in Kennebec river above a line drawn across said river from Fort Popham in the town of Phippsburg to a point opposite at the lower end of Long Island in the town of Georgetown; in Sheepscot river above a bridge leading from Wiscasset to Edgecomb; in Damariscotta river above a line drawn from Farnum's head in the town of Boothbay to a point opposite on the shore in the town of Bristol, excepting the use of drag seines between the above line and The Ledges, for all fish excepting alewives; in Medomak river, above a line drawn from Martin's point in the town of Friendship, westerly by the northeast end of Hog Island to a point opposite in the town of Bremen, or take smelts in said river and its tributaries in any other way than by hook and line; in Georges river, above a line drawn from Hooper's point in the town of St. George, westerly past the northerly end of Caldwell's island to a point opposite on the shore in the town of Cushing, or take smelts in said river and its tributaries in any other way than by hook and line or dipnets, and no individual shall take more than one-half bushel of smelts within a period of twenty-four hours with dipnet; in all bays, inlets, rivers and harbors east of the west shore of the Penobscot bay and river where any entrance to the same or any part thereof from main land to main land is not more than three nautical miles in width, but purse and drag seines may be used for the purpose of taking smelts in these waters, except in Bluehill bay. The taking of herring or fishing therefor, by the use of purse or drag seines and all other seines or nets, except the use of seines or nets in weirs, from the first day of June to the first day of November in the waters of Machias bay and its approaches inside of or to the northward of a direct line drawn straight from the highest summit of the
island called The Brothers, easterly to a point one-half mile distant and due south from Libby island lighthouse, thence from said point easterly to the southerly extremity of the southern island called Double Head Shots, is hereby prohibited. The use of purse or drag seines within a distance of one-half of a nautical mile from any fish weir in any of the waters of the state east of White Head on the west shore of Penobscot river is hereby prohibited; but such seines may be used for the taking of smelts and for the purpose of taking fish in weirs, but shall not be used in any water in which their use is prohibited by special or general law. Whoever violates any provision of this section shall be liable to a penalty not exceeding five hundred dollars for each offense, to be recovered by complaint, indictment or action of debt.

(See P. L. 1911, Chap. 90.)

An Act to regulate the use of Nets and Seines in the tide waters of Narraguagus River and Narraguagus Bay, so called.

(P. L. 1909, Chap. 224.)

Sec. 1. All persons are hereby prohibited from taking any smelts by means of purse, or by drag seines of any kind, in the tide waters of Narraguagus river or bay, so called, in the county of Washington, under a penalty of fifty dollars for each offense.

Sec. 2. The penalty for violation of the first section of this act may be recovered by complaint or indictment, and shall belong one-half to the person complaining of said offense, and one-half to the inhabitants of the town in which said offense is committed for the benefit of schools.
Sec. 39. No salmon, shad or other migratory fish shall be taken or fished for within five hundred yards of any fishway, dam, or mill race; nor in the Penobscot river between the mouth of the Kenduskeag stream and the water works dam at Treats falls on said river, nor between the Augusta highway bridge over the Kennebec river and the Augusta dam; nor in Mill river, a tributary of Georges river, in Thomaston, Maine, between said Georges river and the old dam at the head of tide waters in said Mill river; nor any salmon five hundred feet above Ferry point bridge on the Saint Croix river in Calais, between the first days of April and November, except by the ordinary mode of angling with single hook and line or artificial flies; nor shall hook and line or artificial flies be used at any time within one hundred yards of any fishway, dam or mill race; but this section shall not apply to the taking of alewives by the town of Warren in the Georges river, and by the town of Waldoboro in Medomak river, under the authority granted said towns by a private and special law of Massachusetts, passed March six, eighteen hundred and two, and amendments thereof, passed by the legislature of this state; nor shall it apply to the taking of alewives by the town of Woolwich in Nequasset stream; fly fishing shall be allowed up to the bridge across the Denny’s river at Lincoln’s mill, but not between said bridge and Lincoln’s mill dam. This section shall not apply to the Laconia falls and the Lower falls, so called, of the Saco river, located at Biddeford and Saco; and upon the first three days of each week, from the first of June to the first of September of each
year, all persons may dip for salmon, shad and alewives at the falls last named above. Any person may take any salmon, shad or alewives in the waters of Orange river, in the town of Whiting, in the county of Washington, up to one hundred and thirty yards of the fishway at the lower dam in said river, subject, however, to all the laws of the state, and laws regulating the taking of such fish in said river. The penalty for any violation of this section is a fine of not more than fifty, nor less than ten dollars for each offense, and a further fine of ten dollars for each salmon and one dollar for each shad so taken.

(See P. L. 1911, Chap. 90)

Net or Seine.

(As am. P. L. 1907, Chap. 95.)

Sec. 40. No person shall set any net or seine within one thousand feet of the mouth of any weir under a penalty of fifty dollars for each offense.

Sec. 41. The owner or person in charge of any weir is hereby permitted to use nets and seines in such weir.

Close Time for Salmon.

Sec. 42. From the fifteenth day of July to the first day of April following, there shall be a close time for salmon during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty nor less than ten dollars, and a further penalty of ten dollars for every salmon so taken or killed. Provided, however, that between the fifteenth days of July and September it is lawful to fish for and take salmon by the ordinary mode, with rod and single line, but not otherwise. But any person may take salmon by weirs on the Saint Croix river below the breakwater at the ledge between the fifteenth day of May and the first day of September.
Weekly Close Time.

Sec. 43. Between the first day of April and the fifteenth day of July there shall be a weekly close time of forty-eight hours from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken. During the weekly close time, all seines, nets, and other movable apparatus shall be removed from the water. Every weir shall have, in that part where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore and there remain during the weekly close time, to the intent that during said close time the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance which tends to hinder such fish shall be placed in any part thereof. If the enclosure where the fish are taken is furnished with a board floor, an opening extending from the floor to the top of the weir is equivalent to one extending from the bottom to the top. The penalty for the violation of this section is twenty dollars for each offense. This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the Saint Croix river below the breakwater at the ledge. Provided, however, that the weekly close time on the Damariscotta river below the bridge at Damariscotta shall be from sunset on each Saturday night to twelve o'clock on the following Sunday night.

Smelt Fishery Regulated.

(As am. by P. L. 1905; 1907; 1909; Chap. 165.)

Sec. 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. (See P. L. 1911, Chap. 90.)

An Act relating to the Protection of Smelts along the Coast of Maine from Casco Bay to Penobscot Bay.

(P. L. 1911, Chap. 90.)

Sec. 1. No smelts shall be taken or fished for in the tidal waters along the coast of Maine within one-half mile of the coast line at mean high water mark starting from Cape Small Point on the west bank of the Kennebec river and continuing easterly along the coast of Maine to Owl's head in Penobscot bay, except by hook and line or weirs or set nets through the ice, under penalty of not less than ten nor more than fifty dollars for each offense.

Sec. 2. Any person convicted of fishing or catching smelts within one-half mile of said coast line at mean high water mark starting from Cape Small Point on the west bank of the Kennebec river and continuing easterly along the coast of Maine to Owl's Head in Penobscot bay, in any other way than hook and line or weirs or set nets through the ice shall be punished by a fine of not less than ten nor more than fifty dollars by complaint or indictment, one-half to the use of the complainant and one-half to the county where the proceedings are commenced. Full jurisdiction to impose said fine is hereby conferred upon municipal and police courts and upon trial justices.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.
Netting of Migratory Fish.
Sec. 45. No net, the meshes of which are smaller than one inch square in the clear, shall be used in any waters frequented by migratory fishes, except the Saint Croix river, between the first days of April and October, under a penalty of not more than twenty nor less than ten dollars for each offense. But this section does not apply to dipnets.

Weirs etc.—Depth of Water.
Sec. 46. No weir, hedge, set net or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than two feet of water at ordinary low water, under a penalty of not more than one hundred, nor less than fifty dollars, and forfeiture of all apparatus and material so unlawfully used. This provision applies to any seine or drift net which is at any time attached to a stationary object, but not to fykes or bag nets used in the winter fishery for smelts and tomcods, nor to any implements lawfully used above the flow of tide, nor to any portion of Penobscot river, bay or tributaries, nor to the Saint Croix river five hundred feet above Ferry’s point, in Calais.

(As am. by P. L. 1909, Chap. 246.)
Sec. 47. The limit of depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, provided that no part of the weir known as the leader, is in more than two feet of water at low water mark. Weirs may exceed the limit of two feet in depth, measured as aforesaid, under the following conditions: First, the distance from the before mentioned two feet limit to the entrance of such weir, shall not exceed one hundred feet; second, no
such weir shall obstruct more than one-eighth of the channel, except that in the Cathance, Abbagadasset and Eastern rivers, such weirs may extend twenty-five feet beyond the one-eighth aforesaid, provided such extension shall not exceed one-fourth of the width of the channel in the Abbagadasset and Eastern rivers; third, every such weir shall be stripped so as to render it incapable of taking fish between the fifteenth day of June and the fifteenth day of August of each year; but these conditions apply only to weirs that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river is in all cases the nearest bench mark of the new United States coast survey allowance being made at the various points for the difference in time. The provisions of this and the preceding sections do not apply to weirs built for the purpose of taking herring, or other salt water fish.

Forfeitures.

Sec. 48. All boats, implements and materials used and all fish taken in violation of the two preceding sections are liable to forfeiture.

Damariscotta River.

Sec. 49. Whoever shall construct, set, maintain or use any net, weir, seine or other device, in the waters of the Damariscotta river, northerly of the bridge between the villages of Newcastle and Damariscotta, for the purpose of taking or catching alewives, or whoever shall take or catch any alewives within said limits, except by hook and line shall be punished by a fine of two hundred dollars for each offense; all nets, weirs, seines or other machines or devices, prohibited as aforesaid, shall be deemed forfeited and contraband, and any member of the fish committee of the towns of New-
castle or Nobleborough, finding them in such use, may destroy them. But nothing in this section shall be construed to abridge or affect in any manner, the rights and privileges now held by law, by said towns of Newcastle and Nobleborough in the alewife fishery in the said Damariscotta river.

Pemaquid River.

(As am. by P. L. 1905, Chap. 46; P. L. 1907, Chap. 165.)

Sec. 50. From the first day of April to the fifteenth day of July in each year, all persons are hereby prohibited from fishing with nets, seines, traps, weirs, or any other contrivance, in that part of Pemaquid river which lies between Pemaquid falls and a line drawn west from the site of the old Pemaquid fort, and no contrivance of whatever name or nature shall be used for the purpose of taking eels from said river at any time of the year, with the exception that eels may be taken with spear, for the term of ten years from the twelfth day of February, nineteen hundred and five. Any person violating any of the provisions of this section shall be subject to a fine of one hundred dollars, and forfeiture of all boats, nets and apparatus used in such illegal fishing.

Pemaquid Falls.

Sec. 51. All fishing for alewives at or about Pemaquid falls below the mill dam, shall be restricted to four days in each week, and the fishing season shall be from the first day of April to the fifteenth day of July of each year, for the term aforesaid, and all fishing shall be under such regulations and further restrictions as the fish committee of the town of Bristol shall decide upon.
Bristol Fish Committee—Permits.

Sec. 52. No person not authorized by the fish committee of the town of Bristol, shall be allowed to catch or disturb any alewives in Pemaquid river above the flow of the tide, and no person unless authorized by said fish committee shall set traps, or use any other contrivance, for catching eels or any other fish, that shall in any way interfere with the passage, either way, of alewives, old or young; whoever violates this section shall be subject to a fine of twenty-five dollars and one dollar for each fish so taken or destroyed.

GENERAL PROVISIONS.

Special Legislation—Notice.

Sec. 54. All persons who derive special benefits from legislation for the protection of fish in any waters of this state, in excess of what is or may be derived by others, shall publish such protection by posting and maintaining notices substantially as hereinafter provided. Said notices shall be placed on the banks or shores of such protected waters not more than ten feet nor less than six feet above the ground, in a conspicuous position; and if on running water such notices shall not be more than one-half mile apart on the banks of such waters; and if on a pond or lake, not more than one mile apart on the shores of such pond or lake.

Sec. 55. Said notices shall be painted on wood in black Roman letters not less than two inches in length and not less than one-half inch in breadth, so that such letters shall be plainly legible, and such notices shall

Note. Section 53, which fixed a bounty on seals, was repealed by P. L. 1905, chap. 67, which restricts shooting of seals in Casco bay. See Cumberland county.
state the number of the act and the date of the same giving the said protection to such waters.

Sec. 56. Any one mutilating or destroying such notices, shall be subject to the same penalties as set forth in section twenty-five of chapter one hundred and twenty-eight.

Sec. 57. In case no notices as herein provided are posted and maintained on waters that are protected by any special law, no one violating such laws shall be liable thereunder to any penalties therein set forth.

Sec. 58. The four preceding sections shall not apply to towns which by special act have acquired vested rights in any fishery in said towns.

**Boats etc. of Non-Residents Forfeited.**

Sec. 59. All vessels, boats, craft, owned and officered by non-residents, and apparatus of every kind, employed in unlawful fishing, or having on board any fish unlawfully taken, are liable for all fines and costs herein provided for; and any officer may seize and detain said property not exceeding twenty-four hours, in order that it may be attached and taken by due process of law to satisfy any judgment that may be recovered, but it shall, at any time, be released on payment, by the owner or master, of the fine, costs, and reasonable expenses.

**Prosecutions—Disposition of Recoveries.**

Sec. 60. In all prosecutions under this chapter municipal and police judges and trial justices within their counties have by complaint original and concurrent jurisdiction with the supreme judicial and superior courts.

Sec. 61. (As am. by P. L. 1909, Chap. 99.) All fines and penalties under this chapter may be recovered by complaint, indictment or action of debt made or brought
in the county where the offense was committed. The action of debt shall be brought in the name of the commissioner of sea and shore fisheries, and all offenses under, or violations of, the provisions of this statute, may be settled by the commissioner of sea and shore fisheries, upon such terms and conditions as he deems advisable. All fines, penalties and collections under this chapter, except when otherwise expressly provided, shall forthwith be paid to the commissioner of sea and shore fisheries and by him be paid to the treasurer of state to be added to and made a part of the appropriation for sea and shore fisheries. And the commissioner shall report to the state treasurer the amount of each fine, penalty and collection itemized and the name of the party paying the same which shall be kept on record in the treasurer's office.

NOTICE OF PETITIONS FOR LEGISLATION.

(Revised Statutes, Chapter 2.)

Sec. 32. Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least fourteen days before the commencement of the next session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least fourteen days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

Sec. 33. Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at
least fourteen days before the session, and to such county, by publishing as prescribed in the preceding section.

Sec. 34. Petitions mentioned in the two preceding sections without proof of notice as prescribed, shall be referred, with order of notice, to the next legislature.

Sec. 35. Service of notice of such petitions may be made by any sheriff, constable or coroner, and proved by his proper return or by written acknowledgment of the adverse party to the petition, or if notice is given by publication, then by the newspapers, or the affidavit of the printer.

Sec. 36. Whoever petitions the legislature, or whoever shall introduce any bill, or resolve for special legislation, regarding or in any manner pertaining to fish or game, shall first have given notice of their intention with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which does not conform to the general laws of the state, shall for the purposes of this section be deemed special. Provided, however, that the provisions of this section shall not apply to any petition, act or resolve, either repealing or amendatory, which has for its object the placing of the territory or waters in question under general laws of the state.

Protection and Propagation of Fish by Towns.

(Revised Statutes, Chap. 4, Sec. 86.)

Towns may raise by a two-thirds vote at their annual meeting, a sum not exceeding five hundred dollars, to
be expended by the municipal officers thereof or by a commissioner elected by the towns for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditure thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.

Pay of Wardens.

(Revised Statutes, Chapter 116.)

Sec. 10. The pay of fish wardens shall be two dollars a day and expenses when actually employed; the governor and council shall audit their accounts, and cause the same to be paid from the state treasury.

Use of Dynamite in Taking Fish, Prohibited.

(Revised Statutes, Chapter 32.)

Sec. 4. No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or taking fish, under a penalty of one hundred dollars and, in addition thereto, two months' imprisonment in the county jail for each offense.

Migratory Fish, Exemption of Certain Waters from Supervision, etc.

(Revised Statutes, Chapter 32.)

Sec. 43. The following waters and their tributaries are exempt from the provisions (of Chap. 32) relating to migratory fishes, and the supervision of the fishways of the commissioners (inland); that is to say, Royal river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damaris-

Little river in Perry shall be exempt from all the foregoing provisions relating to maintaining fishways in said river, except during April, May and June.

**FISH CULTURE AND SCIENTIFIC RESEARCH RELATIVE TO FISHES.**

(Revised Statutes, Chapter 32.)

Sec. 40. The commissioner of inland fisheries and game, for their department, and the commissioner of sea and shore fisheries, in his department, may take fish and game of any kind when, where, and in such manner, as they choose, for the purposes of science and of cultivation and dissemination, and may grant written permits to other persons to take fish and game for the same purposes, and may introduce a permit to be introduced any kind of fish into any waters. Said commissioners or said commissioner may, after a hearing, set apart, for a term not exceeding ten years, any waters for the use of themselves, or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In the waters so set apart, they and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish culture and scientific work, take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other person shall take or kill any fish, or use any
implement for fishing therein, under a penalty of not less than ten, nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; *provided, however, that before such hearing said commissioners or said commissioner shall give notice thereof by publication of their or his intention for two successive weeks in at least one newspaper printed in the county where such waters lie.*

**Riparian Proprietor May Enclose Waters.**

*(Revised Statutes, Chap. 32.)*

Sec. 46. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a non-navigable stream for the cultivation of useful fishes; *provided, that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials in places where the same have a right to pass.*

Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation, but he shall not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold.

Any person engaged in the artificial propagation of trout, or fresh and salt water salmon, when the parent fish are taken from public waters in the state, shall retain not less than twenty-five per cent of all eggs taken from said parent fish and cause the same to be properly cared for and hatched, and when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent
fish to be returned to safe locations in such waters, under a penalty of not less than fifty nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case less than twenty-five per cent. of the young fish to be returned, as provided in this section.

Sec. 47. No person without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained, by written permission of the fish commissioners, under a penalty of not less than ten, nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

ENCOURAGEMENT ETC. OF SHELLFISH INDUSTRY.

(P. L. 1905, Chap. 88.)

(The provisions of Section 1 are taken care of for 1911 and 1912 under general appropriation for department of sea and shore fisheries.)

Commissioner May Take Two Acres.

Sec. 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 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.

More than Two Acres by Agreement.

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.
May Set Apart One Acre for Private Experiments.

Sec. 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 other such 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 commission 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 adjoining upland, so as to designate the locations so set apart, as the commissioner shall, in his certificate specify.

**Penalties.**

Sec. 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.

Sec. 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.

**WILFUL DESTRUCTION OF FISH PROHIBITED.**

(P. L. 1905, Chap. 77, as am. by P. L. 1909, Chap. 56.)

Sec. 1. It shall be unlawful to cast or deposit upon the shores, or release and deposit in the bays, harbors or rivers of this state any dead fish, or fish that have been smothered or injured so that they will die.

Sec. 2. All persons wilfully violating the provisions of this act, or aiding therein, shall be liable to a penalty
of one hundred dollars, or by imprisonment not exceeding thirty days, or both, as the court before which the complaint or indictment for the violation of the preceding section may be instituted, shall determine.

Sec. 3. The penalty provided for by the preceding section may be recovered in the county where the offense is committed, by complaint, indictment or action of debt brought in the name of the person making the complaint; and all fines and penalties recovered by this act shall go, one-half to the person making the complaint, and the other half to the commissioner of sea and shore fisheries, and by said commissioner of sea and shore fisheries paid to the state treasurer to be added to, and made a part of the appropriation for sea and shore fisheries.

WHARVES AND FISH WEIRS.

(R. S. 1903, Chap. 4, Sections 96 and 99 as am. by P. L. 1911, Chap. 110.)

Sec. 96. Any person intending to build or extend any wharf or fish weir or trap in tide waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application said officers shall give at least three days' public notice thereof, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their
hands to the applicant authorizing him to make said
errection or extension, and to maintain the same within
the limits mentioned in such license, the applicant for
license to build or extend a fish weir or trap as afore-
said first giving bond to the town without sureties, in
the sum of one hundred dollars, conditioned that upon
the termination of such license he shall remove all
stakes and brush from the location therein described.

Sec. 2. (P. L. 1911, Chap. 110.) The license for the
building or extension of a fish weir or trap issued un­
der the provisions of the foregoing section shall termi­
nate and become void unless such weir or trap shall
be built within one year from the date of the license
and maintained and operated in good faith for some
part of each year thereafter.

Sec. 97. In any river or tide water lying between
two towns or cities, no such wharf or fish weir shall
be erected without the consent of the municipal officers
of both; and in no case shall any wharf be extended
beyond any wharf lines heretofore legally established.

Sec. 98. The application and petition aforesaid, with
the notice and proceedings thereon, and the license
granted, shall be recorded in said town. Reasonable
compensation shall be paid by said petitioner to the
municipal officers for their services and expenses, and
to the clerk for recording, and if license is granted, five
dollars additional shall be paid therefor by said peti-
tioner to said town.

Sec. 99. No fish weir, trap or wharf shall be extend-
ed, erected, or maintained except in accordance with
this chapter; and no fish weir, trap or wharf shall be
erected or maintained in tide waters below low water
mark in front of the shore or flats of another without
the owner's consent, under a penalty of fifty dollars
for each offence, to be recovered in an action of debt
by the owner of said shore or flat. This chapter ap-
plies to all herring weirs and traps; but does not apply
to other weirs or traps, the materials of which are chiefly removed annually, provided that such weirs or traps do not obstruct navigation nor interfere with the rights of others.

This section shall not affect any wharves so erected or maintained on the twenty-first day of April, nineteen hundred one.
SPECIAL LAWS
These laws apply to counties, towns or particular waters and not to the whole state, and they are here printed under county titles.

YORK COUNTY.

(S. L. 1825, Chap. 337.)

AN ACT for the preservation of fish in Piscataqua River.

Sec. 1. Be it enacted, etc., That from and after the passing of this act, if any person or persons shall fish in the Piscataqua river, or any of the branches thereof, within this state, below the Portsmouth bridge, with a seine or net more than twelve rods in length; or if any person or persons shall fish above said bridge, between said bridge and the Thompson's Pond brook, so called, in the town of Eliot, with any seine whatever, for each and every such offense, he or they shall forfeit the sum of ten dollars, to be recovered in an action of debt, in any court of competent jurisdiction to try the same, one-half to the person prosecuting therefor, and one-half to the poor of the town, in which the offense shall have been committed.

Sec. 2. Be it further enacted, that if any person or persons shall fish with any trap or set line, so called, in said river, or any of the branches thereof, within this state, he shall forfeit the sum of six dollars, and all the said lines and hooks of every description; to be recov-
erred by complaint, before any justice of the peace, for
the county of York, one-half to the complainant, and
one-half to the poor of the town in which such offense
shall have been committed.

Sec. 3. Be it further enacted, That it shall be the
duty of the selectmen of the towns of Kittery and Eliot,
to appoint annually, two or more fish wardens in each
of said towns, who shall each receive a certificate of their
appointment, and who shall be severally sworn to the
faithful discharge of their duty; and it shall be the
duty of such wardens to see that the provisions of this
act are carried into effect.

Sec. 4. Be it further enacted, That this term, during
which the wardens first appointed under this act, shall
hold their respective offices, shall be from the time of
their appointment to the first Monday of May next; and
all laws heretofore made respecting the fisheries in said
river, are hereby repealed. Provided, however, That
this provision shall not be construed so as to extend to
“An Act for the preservation of alewives and other fish
in Salmon Falls river,” passed February ninth, in the
year one thousand eight hundred and twenty-four.

(S. L. 1825, Chap. 355.)

AN ACT to prevent the destruction of shoals or beds
of lobsters about the bay at the mouth of Saco river.

Sec. 1. Be it enacted, etc., That from and after the
passing of this act, it shall not be lawful for any person
or persons, not residing in the town of Saco or Bidde-
ford, to enter upon the shoals, or beds, in and about the
bay at the mouth of Saco river, and about Winter Har-
bor, for the purpose of taking or carrying away lobsters
from such shoals or beds, and if any person or persons,
not inhabitants of those towns, shall, contrary to the
provisions of this act, so take and carry away such shell
fish, he or they shall forfeit and pay to the use of those
towns, a sum not less than ten dollars, nor exceeding twenty dollars, for every such offense, to be recovered by action of debt, by the selectmen of those towns, before any tribunal proper to try the same.

Sec. 2. Be it further enacted, That it shall not be construed to be a violation of this act, if any person or persons, not inhabitants of the towns of Saco or Biddeford, shall take such fish, upon shoals, beds, or grounds, where cod or scale fish are usually taken; or if any person or persons, employed on board coasting or other vessels, belonging to this state, that may harbor in said bay, shall take or carry away such fish.

(S. L. 1874, Chap. 573.)

AN ACT to prevent the destruction of smelts in the Piscataqua river and its tributaries.

Sec. 1. All persons are hereby prohibited from taking any smelts from the Piscataqua river or its tributaries, in the county of York, by means of weirs, drag nets, traps or other contrivance than hook and line.

Sec. 2. Whoever shall violate the provisions of this act, shall, on conviction of the same before any trial justice of said county of York, be punished by a fine of not less than ten dollars nor more than twenty dollars, or imprisonment in the county jail for a term not exceeding ten days.

Sec. 3. All fines under the second section of this act shall be divided as follows: one-half to the complainant, and one-half to the use of the state.

(S. L. 1899, Chap. 177.)

AN ACT to prevent the Destruction of Smelts in Saco River.

Sec. 1. All persons are hereby prohibited from taking smelts by means of purse or drag seines, in the Saco
river or in Saco bay inside of a line drawn from the most easterly point of Fletcher's Neck, in the city of Biddeford, to the mouth of Goose Fair brook, said Goose Fair brook being the dividing line between the town of Old Orchard and the city of Saco.

Sec. 2. Whoever shall violate the provisions of this act shall, on conviction of the same, be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for a term of not more than sixty days, and in addition to said punishment, all boats, seines and all other articles used in the taking of said fish, and the fish so taken, shall be forfeited and disposed of as provided in section forty-seven of chapter two hundred and eighty-five of the Public Laws of eighteen hundred and ninety-seven.

CUMBERLAND COUNTY.

(S. L. 1834, Chap. 463.)

AN ACT to regulate the taking of Fish in Royal's River in the town of North Yarmouth.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this act, it shall be lawful for the inhabitants of the town of North Yarmouth at their annual meeting in the month of March or April annually to choose by ballot a fish committee of not more than seven nor less than three persons inhabitants of said town, who shall be sworn to the faithful discharge of their duty; and it shall be the duty of said committee, to cause all the locks, sluices or fishways, which may be built around, through, or over any dams or other obstructions on Royal's river or the branches thereof in said town as hereinafter provided, to be kept open and free for the passage of salmon, shad and alewives.
up and down said streams during such parts of the year as said town shall by vote order and direct; and said committee shall have power to remove all obstructions to the free and convenient passage of said fish up and down said river during the times prescribed by the town as aforesaid; and in the discharge of the duties required in and by this act, may pass over and upon lands of any person through or by which said river or its branches run within said town, without being considered trespassers; and any person hindering or molesting said committee or either of them in the discharge of his duty in said office, or who shall in any way obstruct said locks, sluices or passage ways, or cause any obstructions in said river or branches, during the time, they are to be kept open as aforesaid, he or they so offending shall forfeit and pay a sum not more than twenty nor less than five dollars for each offense.

Sec. 2. Be it further enacted, That if any person chosen as one of said committee, on due notice shall refuse to accept thereof and to qualify himself therefore within seven days, he shall forfeit and pay a fine of five dollars, and in case of such refusal the selectmen of said town for the time being shall have power and hereby are directed to appoint some other person or persons in the room of him or them who shall refuse as aforesaid; and the person so appointed shall be liable to the same penalty in case of refusal to accept. Provided, however, that no person shall be obliged to serve on said committee more than one year in three.

Sec. 3. Be it further enacted, that said town of North Yarmouth shall have power at its own expense, and under the superintendence of said committee to make and maintain and keep in repair a good and sufficient lock, sluice or fishway, around, through or over any and every dam now existing across said river or its branches within the limits of said town, and said town shall have power at their annual meetings in
March or April to direct by vote, around, through or over what and how many of the dams across said stream or branches within said town such passages for fish, shall be built, and during what part or parts of the year, the same shall be kept open and free for the passage of said fish; and to designate on what days and times, and in what manner it shall and may be lawful to take said fish in said stream or branches within said town; provided that no such sluice or fishway shall be so made as to draw water more than eighteen inches below the top of such dam at the lowest part thereof.

Sec. 4. Be it further enacted, that if the owner or owners or any occupant of any mill or dam on said river or any branch thereof in said town shall refuse to let the aforesaid committee erect and keep open said locks, sluices or fishways around, over or through the several dams aforesaid, or in any way obstruct their operations in removing lumber, logs, timber or other obstructions, or shall draw away the water, so that it shall not run through said sluice ways, and so as to prevent the fish from ascending or descending said river or branches, and shall not immediately remove such obstructions or hindrance, they shall each of them forfeit and pay for each time they shall so offend a sum not more than ten dollars nor less than five dollars. Provided, that if any dam across said river shall be injured by reason of opening said fishways in it, or if any owner or occupant of any mill or dam when actually employing the same, shall be required by said committee to shut down his gate in order to raise sufficient water, to enable the fish to pass through said fishways, then the owner or owners or occupant thereof, shall receive a reasonable compensation therefor to be agreed upon between such owner or occupant and the fish committee, or in case of disagreement to be
assessed by a committee to be appointed in the manner specified in the eighth section of this act.

Sec. 5. Be it further enacted, That said town of North Yarmouth may at the annual meetings aforesaid sell the privilege of taking fish within said town, for such term of time as they shall think proper, to any person or persons, under such regulations and restrictions as they may direct; or may otherwise dispose of said privilege, if they shall see fit; and the profits arising from the sale or disposition of said privileges shall be appropriated to such purposes as said town shall order; and said town shall designate the place or places where said fish shall be taken; and no fish shall be taken at any other place or places within said town. And if any person or persons, other than those to whom said town shall have sold said privilege, or authorized to take such fish, or persons employed by them, shall take any of said fish within said town by nets, seines, weirs or in any other manner, above Parker's Point on said river, he or they shall forfeit and pay a sum not more than twenty nor less than five dollars for each offense, and the fish so taken, and all nets and seines used in taking the same shall be forfeited.

Sec. 6. Be it further enacted, That no person shall take any of said fish in any part of said river above Parker's Point or in any of the branches thereof, until the first day of July in the year of our Lord one thousand eight hundred and thirty-seven, without permission from the town of North Yarmouth, and if any person not so authorized shall take any of said fish before that time, or if any person after that time without authority from said town shall take any of said fish within the limits of said town, or if any person having authority from said town, to take said fish within its limits, or any purchaser or manager aforesaid shall take them at any time or place not authorized by said town, or in nets, seines, traps or boxes which shall not
be first authorized by said town, he or they shall forfeit and pay a sum not more than fifteen nor less than three dollars for each and every offense.

Sec. 7. Be it further enacted, That if any minor or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid the parents, masters, or guardians of such minor or minors shall be answerable therefor, as if it was his or their personal offense.

Sec. 8. Be it further enacted, That no purchaser or manager aforesaid or any person employed by them shall be deemed a trespasser in going on the lands and premises of any person in order to take said fish on their paying a reasonable compensation therefor if required; and if said parties shall not agree, any justice of the peace and quorum for said county is authorized to appoint three disinterested and discreet freeholders a majority of whom may decide upon the sum proper to be paid; and their decision shall be conclusive and binding upon the parties.

Sec. 9. Be it further enacted, That all penalties incurred by any breach of this act, shall be recovered by action of debt in any court competent to try the same, in the name of any member of said committee of the town of North Yarmouth, whose duty it shall be to sue for all penalties incurred as aforesaid; one-third part thereof to the use of the plaintiff who sues for the same, and the other two-thirds to the use of said town of North Yarmouth to be paid in to the treasury thereof.

(S. L. 1849, Chap. 292.)

AN ACT for the preservation of Fish in Freeport.

Sec. 1. Be it enacted, etc., The town of Freeport may at their annual meeting in March or April, sell or otherwise dispose of the privilege of taking bass,
shad and alewives in the Harraseekit and Little rivers in said town; and the sums arising from such sale or disposal, shall be appropriated by said town to such uses as the inhabitants thereof shall from time to time, in legal town meetings determine.

Sec. 2. The days for taking said fish in said rivers shall be such as the inhabitants as aforesaid shall designate.

Sec. 3. If the purchaser or purchasers, manager or managers of said privileges, or any person or persons employed by or under them, shall presume to take any of said fish on any other day than those designated as provided in the second section of this act, or if any person or persons, other than those deriving their right from the sale or disposal of the privilege, as provided by the first section of this act, shall at any time take any of said fish in said rivers, or within one hundred rods of the mouth of either of them, they shall forfeit and pay not more than one dollar, nor less than fifty cents for each bass, not more than thirty cents nor less than twenty cents for each shad, and not more than ten cents, nor less than three cents for each alewive so taken.

Sec. 4. All fines incurred by any breach of this act shall be recovered by presentment of the grand jury, or by action of debt, in any court competent to try the same, in the name of either of the selectmen of the town, one moiety of which shall enure to the use of the town, and the other moiety to the use of the informer or plaintiff.

Sec. 5. Nothing in this act shall be so construed as to deprive any of the inhabitants of said town from prosecuting or suing for any of the breaches aforesaid; and no person shall be debarred from being admitted as a witness on any presentment of the grand jury, by reason of his being in any way interested in said fishery, or in said fines.
Sec. 6. In case any minor or minors shall offend against any of the provisions of this act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors shall be answerable therefor, on complaint or in an action to be brought against such parents, masters or guardians, as for his or their personal offense.

(S. L. 1879, Chap. 150.)

AN ACT for the protection of Smelts in Fore river in the County of Cumberland.

Sec. 1. It shall not be lawful to obstruct in any way by any net, seine, weir or other contrivance for taking fish, more than one-eighth part of the channel of Fore river, in the county of Cumberland, under a penalty of not less than fifty nor more than five hundred dollars for each offense, to be recovered before any competent tribunal by complaint, indictment, or action of debt. One-half of said penalty shall be for the party prosecuting or making complaint, and the other half to said county.

(S. L. 1895, Chap. 216.)

AN ACT to regulate the taking of Clams in the towns of Yarmouth and Cumberland.

Sec. 1. Whoever, within the limits of the towns of Yarmouth and Cumberland takes clams between the fifteenth day of June and the fifteenth day of September of each year, shall, for each offense, be fined not more than ten dollars or imprisoned not more than thirty days, or both.

Sec. 2. The foregoing section shall not apply to the taking of clams by any inhabitant of Yarmouth, Cumberland, and North Yarmouth, or any transient person therein, for the consumption of himself or family, nor
shall it interfere with any law relating to the taking of shell fish by fishermen for bait, nor shall it apply to hotel keepers taking clams for the use of their hotels.

Sec. 3. No vote shall be passed or municipal regulations made by the towns of Yarmouth, Cumberland and North Yarmouth, or either of them, prohibiting the taking of clams within the limits of the towns of Yarmouth and Cumberland by residents or inhabitants of the towns of Yarmouth, Cumberland and North Yarmouth.

(S. L. 1903, Chap. 317.)

AN ACT to prohibit the taking of Clams in the shores or flats within the Town of Scarboro.

Sec. 1. No person shall take or dig or destroy in any manner clams in any of the shores or flats within the town of Scarboro from the first day of April until the first day of October in each year under a penalty of not less than ten or more than one hundred dollars for each and every violation of this statute.

Sec. 2. The aforesaid section shall not apply to inhabitants or residents of said town taking clams for the consumption of himself and family nor to hotel keepers within the town taking clams for the use of their hotels.

(P. L. 1905, Chap. 67.)

AN ACT to amend section fifty-three of chapter forty-one of the Revised Statutes, relating to a bounty on Seals.

Sec. 1. Section fifty-three of chapter forty-one of the Revised Statutes is hereby amended by striking out all of said section as far as the word “no” in the ninth line, so that said section as amended shall read as follows:
Sec. 53. No person shall during the months of June, July and August destroy seals in the waters of Casco bay by shooting with rifle or other long range weapon, which might endanger human life, under a penalty for any violation of this section, of fifty dollars, to be recovered upon complaint or indictment, before any court of competent jurisdiction.'

(S. L. 1905, Chap. 180.)

AN ACT for the better protection of shell fish within the town of Freeport in the county of Cumberland.

Sec. 1. No shell fish shall be taken from any flats within the limits of the town of Freeport, in Cumberland county, except by written permit of the municipal officers of the said town of Freeport, and payment to the said town for the privilege at such price as said town may establish at any town meeting, any existing laws to the contrary notwithstanding; provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of any such flats, may take therefrom for the immediate use of himself or his family, not exceeding one bushel at one tide.

Sec. 2. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, or by both.

(S. L. 1909, Chap. 207.)

AN ACT to prohibit seining smelts in certain parts of Casco Bay.

Sec. 1. It shall be unlawful for any person at any time to catch smelts in the waters of Casco Bay adjacent to the city of Portland above Tukey’s bridge in any manner except by the ordinary method of hook and line.
Sec. 2. Whoever violates the provisions of this act shall be liable to a fine of not more than fifty dollars for each offense upon conviction.

CUMBERLAND AND SAGADAHOC COUNTIES.

(S. L. 1901, Chap. 464.)

AN ACT for the better protection of Shell Fish within the towns of West Bath and Brunswick.

Sec. 1. No shell fish shall be taken from any flats within the limits of the town of West Bath, in Sagadahoc county, nor from that portion of the town of Brunswick, in Cumberland county, lying opposite the said town of West Bath and extending as far west as the Gurnet bridge, so called, except by written permit of the municipal officers of the town wherein such flats are located, and payment to the town for the privilege at such price as said towns may respectively establish at any town meeting, any existing law to the contrary notwithstanding; provided, that, without such permit, any inhabitant within his own town, or any person temporarily resident therein, or the riparian owner of such flats, may take therefrom for the immediate use of himself or his family, not exceeding one bushel at any one tide.

Sec. 2. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, or by both.
AN ACT to regulate the taking of Alewives, at Neguasset Falls, in the town of Woolwich.

Sec. 1. Be it enacted, etc., That it shall and may be lawful for the inhabitants of said town of Woolwich, at their annual meeting, in the month of March or April, to sell or otherwise dispose of the privilege of taking the fish called alewives, at Neguasset falls, so called, within said town of Woolwich; and the emoluments arising from such sale or disposal, shall be appropriated by said town to such uses and purposes as the inhabitants thereof, shall, from time to time, in legal town meeting determine.

Sec. 2. Be it further enacted, That the days for taking said fish at said falls, shall be Monday, Tuesday, Wednesday and Thursday, in each week, and at no other time.

Sec. 3. Be it further enacted, That if any person whomsoever, except the purchaser or purchasers, or such other person as shall be duly authorized by said town of Woolwich, at their annual meeting, in the month of March or April, shall take any of said fish at Neguasset falls, or within half a mile above or below said falls, or in the pond or stream leading thereto, he or they shall forfeit and pay for every fish so unlawfully taken, a fine not exceeding ten cents, nor less than three cents.

Sec. 4. Be it further enacted, That if the purchasers or managers of said privilege, or either of them, lawfully taking said fish as aforesaid, shall, when in his or their power, neglect or refuse to supply any person who may apply for the same, at the rate of twenty-five cents for one hundred of said fish, the purchaser or manager
so refusing, shall forfeit and pay for each offense, the sum of five dollars; and if any person or persons authorized to catch said fish, shall ask, demand or receive more than the rate aforesaid, for said fish, whilst the same are fresh or green, he or they so offending, shall forfeit and pay for each offense, the sum of five dollars.

Sec. 5. Be it further enacted, That the inhabitants of said town of Woolwich, shall at their annual meeting, in the month of March or April, choose by ballot a committee, consisting of three persons, freeholders of the town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this act.

Sec. 6. Be it further enacted, That the committee named in the last section, shall have full power, and it shall be their duty, to remove all logs, boards, slabs or other lumber, from the passageway of said alewives, from the waters at, above or below the said falls of Nequasset, if such lumber shall, in the judgment of said committee, tend in any way to obstruct the free passage of said fish, up or down the said falls at Nequasset; and all such removals shall be at the expense of the said town of Woolwich.

Sec. 7. Be it further enacted, That if any person, chosen on said committee, on due notice thereof, shall refuse to accept thereof, and to qualify himself therefor, within seven days after such notice, every such person so refusing, shall forfeit and pay a fine of five dollars, for the use of said town; and the treasurer of the town is hereby authorized and directed, to prosecute, or sue for the same; and in case of the refusal of any person so chosen, the selectmen for the time being, shall have power, and they are hereby directed to proceed to appoint some other person or persons, in the room of those who shall refuse; and any person so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if the selectmen shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the
sum of ten dollars; and no person shall be obliged to serve on said committee, more than one year in three.

Sec. 8. Be it further enacted, That all fines incurred by any breach of this act, shall be recovered by presentment of the grand jury, or by action of debt, in any court proper to try the same, in the name of either of said committee, one moiety of which shall accrue to the use of the town, and the other moiety to the use of the informer or plaintiff, who may sue for the same, except the fine already appropriated.

Sec. 9. Be it further enacted, That nothing in this act shall be so construed as to deprive the inhabitants of the town of Woolwich, from prosecuting or suing for any of the breaches aforesaid; and no person shall be debarred from being admitted as a witness on any presentment of the grand jury by reason of his being entitled to any part of said fines.

Sec. 10. Be it further enacted, That in case any minor or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors, shall be answerable therefor on complaint, or in an action to be brought against such parents, masters or guardians, as for his or their personal offense.

Sec. 11. Be it further enacted, That no purchaser or manager, or any person employed by them, shall be deemed a trespasser in going on the lands and premises of any person in order to take said fish, on their paying a reasonable compensation therefor, if required.

Sec. 12. Be it further enacted, That the owners of the falls and mill privileges known by the name of Nequasset, in the town of Woolwich, are hereby authorized to build a dam on said falls sufficient to preserve the waters of said stream for whatever purposes it may be applied.

Sec. 13. Be it further enacted, That an act entitled “An Act to preserve and regulate the taking of fish
called alewives, at Nequasset falls, so called, within the
town of Woolwich," passed March 1st, A. D. 1800; also
an act in amendment of said act, passed February 12th,
1803, and all other acts which have passed at any time
previous to the passage of this act, for the regulation of
fish at Nequasset falls, and its appendages, and in the
pond or stream leading thereto, be, and the same are
hereby repealed: Provided, That all the acts aforesaid
shall be and remain in full force, so far as respects the
trial and punishment of all offenses therein mentioned,
which have been committed before the passing of this
act.

(S. L. 1887, Chap. 72. Amended by S. L. 1899,
Chap. 158.)

AN ACT to protect the Fisheries at Nequasset
Falls in Woolwich.

Sec. 1. No person without license and authority
of the town of Woolwich shall, by any weir, hedge,
pound, seine, drift net, dipnet or other apparatus, device
or contrivance, take any alewives in the waters of
Nequasset stream at any place between the bridge of
the Knox and Lincoln Railroad, and the point at low
water where the channel of said stream makes its junct-
ion with Sassanoa river, commonly called Back river,
or in the waters of Nequasset lake or the tributaries
thereof, nor shall any person without such license and
authority, between the fifteenth day of April and the
first day of August in each year, construct, have or
maintain any weir, hedge, pound or other device or con-
trivance capable of taking alewives in the channel of
said stream or in the waters of said lake or its tribu-
taries or the flats thereto contiguous within the limits
aforesaid.

Sec. 2. Any person who shall construct, have or
maintain any weir, hedge, pound, or other device or
contrivance in violation of this act, shall forfeit and pay the penalty of fifty dollars, and the further penalty of not less than ten, nor more than thirty dollars for each and every day on which such structure shall be so maintained in violation of this act; and it is further provided, that the selectmen of said town may take measures to effect a summary removal of any such structure, or otherwise abate such nuisance.

Sec. 3. Any person who shall violate the provisions of the first section of this act, by the use of seines or nets in any form, or of any other movable trap, apparatus, device or contrivance, shall forfeit and pay the penalty of twenty-five dollars for every such offense, and the further penalty of three dollars for every hundred or part of a hundred fish so taken.

Sec. 4. Trial justices and municipal and police courts have original jurisdiction of all offenses arising under this act.

Sec. 5. One-half of all fines and penalties paid under the provisions of this act, shall accrue to the use of the town of Woolwich.

(S. L. 1895, Chap. 249.)

AN ACT to prohibit fishing with seines in the Sassanoa River below Bath, from the first day of October till the first day of April following.

Sec. 1. The use of seines in the Sassanoa river below Bath, from the first day of October until the first day of April following, is hereby prohibited under penalty of ten dollars for each offense.

(S. L. 1858, Chap. 147.)

AN ACT to prevent the destruction of Alewives in Sewall’s Pond or its outlets.

Sec. 1. No person shall set or place any net, seine, weir or other obstruction in Sewall’s pond, so called,
in the town of Arrowsic, or in any stream emptying into or issuing therefrom, or at the junction of said stream with the Kennebec river within one hundred rods of the sluice or flood gates in the dam, at Potter's or Fisher's mills, so called, for the purpose of taking or preventing the free passage of fish into or through said waters, under a penalty of ten dollars for each offense.

Sec. 2. Any person who shall at any time take or destroy any fish in said waters, excepting with common dipnets, shall forfeit and pay a fine of five dollars for every fish so taken or destroyed.

Sec. 3. All fines and penalties arising from a violation of this act, may be recovered by an action of debt in the name of any person who shall sue for the same; one moiety thereof to the use of the town school fund of Arrowsic, and the other moiety thereof to the person who may sue for the same.

(S. L. 1865, Chap. 472. Amended by S. L. 1878, Chap. 43.)

AN ACT for the protection and preservation of Alewives in the waters of Winnegance creek, above the mill dam.

Sec. 1. If any person shall take or destroy any alewives in the waters of Winnegance creek, above the Winnegance mill-dam, he shall forfeit and pay one dollar for each and every alewive so taken or destroyed within two years from the passage of this act.

Sec. 2. If any person or persons shall set or use any net, trap or other contrivance for the purpose of taking said fish in any of the waters aforesaid, for the space of two years from and after the passage of this act, he or they shall forfeit and pay a fine of fifty dollars for each and every offense so committed.

Sec. 3. No person, after the expiration of said two
years, shall be allowed to take or destroy any alewives within or from said waters between the first day of June and the first day of May, in each succeeding year, under a penalty of one dollar for each and every alewife so taken or destroyed; but alewives may be taken during the month of May in each year succeeding said two years, on Mondays, Wednesdays and Fridays, but on no other days, under a penalty of one dollar for each and every alewife taken during the month of May, on any other day or days of the week than those aforesaid.

Sec. 4. No person shall be allowed at any time to put in said waters more than one net for the purpose of taking alewives, and no net used in said waters shall exceed twenty fathoms in length, and not less than five inches mesh, under a penalty of twenty dollars for each and every violation of either of the provisions of this section.

Sec. 5. All forfeitures and penalties arising by force of this act, may be enforced by complaint, or by action of debt in any court proper to try the same, one-half to the person prosecuting for the same, and half to the town where the offense is committed.

(S. L. 1907, Chap. 251, as am. by S. L. 1909, Chap. 28.) AN ACT for the better protection of Alewives, Shad and Sturgeon in various rivers in Maine.

Sec. 1. It shall be unlawful for any person to take, catch, kill or destroy any alewives, shad or sturgeon in the waters of the Kenebec river above the Randolph and Gardiner bridge, or in the Androscoggin river or Merrymeeting bay above the line indicated by the piers of the old Merrymeeting bay bridge, or in the Cathance river above the iron bridge at Bowdoinham village, or in Abbagadasset river above Maxwell’s middle ground, so called, or in Mud or Muddy river or Muddy river channel.
Sec. 2. Whoever, having in his possession any sturgeon of less than five feet measured from tip to tip, shall immediately and carefully liberate the same. Whoever violates the provisions of this section shall be fined twenty dollars and costs for each and every sturgeon so unlawfully retained.

Sec. 3. It shall be unlawful for any person to fish with weirs or use drift nets in any way in the Kennebec river or its tributaries or Merrymeeting bay from June fifteenth to August fifteenth of each year. This section does not apply to Kennebec river and its tributaries below Bluff head in the town of Arrowsic.

Sec. 4. It shall be unlawful for any person to fish for, take, catch or kill any alewives or shad in Merrymeeting bay by any other method than that usually employed in taking fish with weirs or drift nets.

Sec. 5. It shall be unlawful for any person to fish for, take, catch or kill any sturgeon in the Kennebec river or its tributaries and Merrymeeting bay between June fifteenth and March first.

Sec. 6. It shall be unlawful for any person to use any drift net in the above described waters or any of them more than one hundred and fifty fathoms in length or more than sixty meshes in depth.

Sec. 7. Whoever shall violate any of the provisions of section one of this act shall forfeit and pay fifty cents for each alewive, one dollar for each shad, twenty dollars for each sturgeon less than five feet in length and fifty dollars for each sturgeon which is more than five feet in length.

Whoever shall violate any of the provisions of sections three, four and five of this act shall be subject to a penalty of one hundred dollars and costs and any and all appliances used in violation of said sections shall be subject to seizure and confiscation.

All fines and penalties under this chapter may be
recovered by complaint, indictment or action of debt made or brought in the county where the offense is committed, as provided in section sixty-one of chapter forty-one of the revised statutes of Maine.

Sec. 8. All acts and parts of acts inconsistent with this act, are hereby repealed.

(S. L. 1828, Chap. 555.)

AN ACT regulating Fisheries at the mouth of Kennebec river.

Be it enacted, etc., That if any person or persons shall set or use any net or seine for the purpose of catching salmon on or by the shores or islands at the mouth of Kennebec river, below the fort, of a greater length than eighty fathoms, he or they shall forfeit and pay a sum not less than twenty nor more than fifty dollars, to be recovered in any court of competent jurisdiction, one moiety thereof to the use of the person who may sue for the same, and the other moiety to the use of the town where such offense shall be committed; any act to the contrary notwithstanding.

(S. L. 1903, Chap. 70.)

AN ACT for the better protection of Shell Fish within the town of Georgetown.

Sec. 1. No shell fish shall be taken from any flats within the limits of the town of Georgetown, in Sagadahoc county, except by written permit of the municipal officers of the town and payment to the town for the privilege at such price as said town may establish at any town meeting, any existing law to the contrary notwithstanding; provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of such flats, may take therefrom for the immediate use of himself
or his family, not exceeding one bushel at any one tide.

Sec. 2. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, or by both, and it shall be the duty of the municipal officers of Georgetown to make complaint for any violation of this act.

(S. L. 1905, Chap. 372.)

AN ACT for the protection of Clams in parts of the County of Sagadahoc.

Sec. 1. No clams shall be taken from the flats at Small Point Harbor or from Sprague's or Morse's rivers in the town of Phippsburg, Sagadahoc county, excepting by the inhabitants of the town of or any person temporarily resident therein, who may take therefrom for the immediate use of himself or his family not exceeding one bushel at any one tide, or may sell the same for consumption within the said town.

SAGADAHOC AND LINCOLN COUNTIES.

(S. L. 1831, Chap. 147.)

AN ACT to regulate the taking of Fish in Sheepscot river.

Sec. 1. Be it enacted, etc., That from and after the passing of this act, it shall be lawful for the inhabitants of the towns of Alma and Whitefield, and the plantation of Patricktown, in the county of Lincoln, at their annual town and plantation meetings, in the month of March or April in each year, to choose by ballot a committee of not more than nine, nor less than three persons, in each town, and in said plantation, who shall
be residents of the town or plantation in which they are chosen, and who shall be sworn to the faithful discharge of their duty; and it shall be the duty of said committee, to cause sufficient locks, sluices, or fishways, in their respective towns, and in said plantation, to be kept open and free for the passage of salmon, shad and alewives, up and down said river and the streams emptying into the same, within said town of Whitefield, from the first day of May, to the first day of July, and from the twentieth day of August to the twentieth day of September annually; unless in each year said committee shall agree upon a shorter period; and said committee shall have power to remove all obstructions to the free and convenient passage of said fish, up and down said river and streams, which they may find during the times aforesaid; and in the discharge of the duties required in and by this act, may pass over and upon the lands of any person through or by which said river or streams run, without being considered trespassers; and any person hindering or molesting said committee, or either of them, in the discharge of their or his duty in said office, or who shall, in any way obstruct said locks, sluices or passage ways, or cause any obstructions in said river and streams, and shall not immediately remove the same, during the times aforesaid, he or they so offending shall forfeit and pay a sum not exceeding twenty nor less than five dollars, for each and every offense; and if either of said towns, or said plantation, shall neglect or refuse to choose said committee, such town or plantation shall forfeit and pay a sum not less than twenty, nor more than one hundred dollars, for each and every year such town or plantation shall so neglect or refuse; to be recovered by action of debt in any court proper to try the same, to the use of any individual who may prosecute therefor; provided, that the above named plantation of Patrickstown, shall not be required to open
said passage for said fish through the mill-dam above Long pond, so called, until it shall be ascertained by the fish committee of said plantation, that the said fish come into the stream that empties into the pond, and notice thereof be given by said committee to the assessors of said plantation.

Sec. 2. Be it further enacted, That if any person chosen as one of said committee, on due notice, shall refuse to accept thereof, and to qualify himself therefor, within seven days after said notice, every person so refusing shall forfeit and pay a fine of five dollars, to the use of the town or plantation, in which such person resides, and the treasurer of said town or plantation, is hereby authorized and directed to sue for the same; and in case of the refusal of any person so chosen, the selectmen of said town, and the assessors of said plantation, for the time being, shall have power, and are hereby directed to proceed to appoint some other person or persons in the room of him or them, who shall refuse as aforesaid; and any person so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if said selectmen or assessors, shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the sum of ten dollars; provided, however, that no person shall be obliged to serve on said committee more than one year in three.

Sec. 3. Be it further enacted, That if said committee or either of them, shall neglect or refuse to perform the duties required of them by this act, he or they so neglecting or refusing, shall forfeit and pay to the use of his or their town or plantation, a sum not exceeding ten, nor less than five dollars for each day he or they so neglect or refuse to perform their duty as aforesaid; to be sued for and recovered by the treasurer of said town or plantation.

Sec. 4. Be it further enacted, That each of the aforesaid towns and said plantation, shall, at its separate
expense, and under the superintendence of its own 
committee, make and maintain a good and sufficient 
lock, sluice or fishway, around, through or over every 
dam, which is across said river and the aforesaid 
streams, within the limits of each of said towns and 
of said plantation respectively: Provided, however, 
said fishways shall not be built in any place on said 
streams, unless the committee of said town of White-
field shall deem the same expedient and of public util-
ity; and if either of said towns or said plantation, shall 
eglect to make and complete good and sufficient locks, 
sluices or fishways, as aforesaid by the first day of Oc­t­ober next, such town or plantation shall forfeit and pay 
a sum not exceeding one hundred dollars nor less than 
fifty; and if either of said towns or said plantation 
shall neglect or refuse to maintain and keep the same 
in repair, after they are made and completed, such 
town or plantation, shall forfeit and pay, for each 
year of such neglect and refusal, a sum not less than 
fifty nor more than one hundred dollars, to be recov­ered 
by action of debt in any court proper to try the 
same, to the use of any person who may sue therefor.

Sec. 5. Be it further enacted, That if the owner 
or owners, or any occupant of any mill or dam, on 
said river or streams, shall refuse to let the aforesaid 
committee erect and keep open said locks, sluices 
or fishways around, over or through the several dams, 
aforesaid, or in any way obstruct their operations in 
removing lumber, logs, timber or other obstructions, 
that might prevent the fish from ascending or descend­ing said river and streams, or shall in any way obstruct 
said fishways on said river and streams, in the man­agement of their business, and shall not immediately re­move the same, they shall each of them forfeit and 
pay, for each day they shall so offend, a sum not ex­ceeding ten, nor less than five dollars.

Sec. 6. Be it further enacted, That said towns re-
spectively, and said plantation, may, at their annual meeting aforesaid, sell the privilege of taking fish within their respective towns and within said plantation, for a term not exceeding one year, at any time, to any person or persons, under such regulations and restrictions as said towns respectively and said plantation may direct; or may otherwise dispose of the same if they see fit, and may establish the prices at which such fish may be sold, not exceeding twenty-five cents for an hundred; and the profits arising from the sale or disposition of said privileges shall be appropriated to such purposes as the inhabitants of said town and said plantation shall respectively order; and said towns and said plantation respectively, shall designate the place or places where said fish shall be taken, and no fish shall be taken at any other place or places within said towns and said plantation; and if any person or persons, other than those to whom said towns and said plantation shall have sold said privilege, or authorized to take said fish, or persons employed by them, shall take any of said fish, by nets, seines, weirs, or in any other manner, above the lower falls on the tide waters of said river, he or they shall forfeit and pay a sum not exceeding twenty, nor less than five dollars for every offense, and the fish so taken, and all nets and seines used in taking the same, shall be forfeited.

Sec. 7. Be it further enacted, That the days for taking fish in said river and streams, shall be Tuesday and Friday of each week, in the year of our Lord one thousand eight hundred and thirty-three, and afterwards on Tuesday, Wednesday and Friday of each week, and at no other time; and no fish shall be taken in said river and streams within said towns and said plantation, prior to the first day of May in the year aforesaid, under penalty of ten cents for every alewive, fifteen cents for every shad, and one dollar for every salmon so unlawfully taken.
Sec. 8. Be it further enacted, That if the purchaser or purchasers, manager or managers of said privilege in either of said towns or in said plantation, or any person or persons employed by them, shall presume to take any of said fish out of said river of streams, at any time or place, in violation of the provisions of this act, he or they so offending shall forfeit and pay a sum not less than two nor exceeding fifteen dollars for every offense.

Sec. 9. Be it further enacted, That if any person or persons shall hereafter make, build or erect any dam or other obstruction in, across or upon said river or streams, without making and providing proper locks, sluices or passage ways for said fish to pass up and down, in the season of going to spawn and returning, he or they shall forfeit and pay a sum not exceeding one hundred, nor less than fifty dollars, and the same dam or obstruction shall be considered and adjudged as a nuisance and abated as such.

Sec. 10. Be it further enacted, That if any minor or minors, shall offend against any part of this act, and thereby incur any of the penalties aforesaid, the parents, masters or guardians of such minor or minors shall be answerable therefor, as if it were his or their personal offense.

Sec. 11. Be it further enacted, That no purchaser or manager aforesaid, or any person employed by them shall be deemed a trespasser in going on the lands and premises of any person in order to take said fish, on their paying a reasonable compensation therefor if required; and if said parties shall not agree, the judge of probate for said county, is authorized to appoint three persons, a majority of whom may decide upon the sum proper to be paid, and their decision shall be conclusive and binding upon said parties.

Sec. 12. Be it further enacted, That all penalties incurred by any breach of this act, except as herein speci-
fied, shall be recovered by action of debt, in any court competent to try the same, in the name of either of said committee of the town or plantation where the offense was committed, one moiety thereof to the use of the plaintiff who sues for the same, and the other moiety to the use of said town or plantation.

(S. L. 1911, Chap. 133.)

AN ACT to protect striped or sea bass, in the waters of the Sheepscot River and its tributaries.

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

Sec. 1. It shall be unlawful to fish for or catch striped or sea bass in the waters of the Sheepscot river and its tributaries in any manner except by hook and line, between February fifteen and December thirty-one in each year.

Sec. 2. Any person convicted of fishing or catching striped or sea bass contrary to the provisions of section one of this act shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, by complaint or indictment. One-half to the use of the complainant and one-half to the county. Full jurisdiction to impose such fine is hereby conferred upon trial justices.

(S. L. 1905, Chap. 62.)

AN ACT to protect Cod and other ground fish in waters off the coast of Lincoln and Sagadahoc Counties.

Sec. 1. It shall be unlawful to fish for or take, except with trawls or ordinary hooks and lines, any cod or other ground fish from the waters subject to the jurisdiction of this state, between a line running north through the westernmost part of Seguin island,
and a similar line through the easternmost part of Damariscove island.

Sec. 2. Any person who fishes for or takes fish contrary to the provisions of this act shall be punished for each offence by a fine of not less than two hundred or more than one thousand dollars, or by imprisonment not less than three or more than twelve months, and shall further forfeit five dollars for each fish so taken.

Sec. 3. Sections fifty-nine, sixty and sixty-one of chapter forty-one of the revised statutes shall apply to all offences under this act.

LINCOLN COUNTY.

(S. L. 1821, Chap. 50.)

AN ACT to regulate the Fishery in Damariscotta river, in the county of Lincoln.

Sec. 1. Be it enacted by the Senate and House of Representatives in legislature assembled, that it shall and may be lawful for the towns of Newcastle and Nobleboro in the county of Lincoln, at their annual town meeting for the choice of town officers, to choose a committee of three persons in each town, whose duty it shall be as a joint committee, to open, and cause to be kept open, a sluice or passageway for alewives and other fish to pass up Damariscotta river, on what is now called New River streams to the great pond at the head thereof, called Damariscotta pond; and the said sluiceways shall be under such regulations, as the aforesaid joint committee shall judge most conducive to the benefit of the towns aforesaid.

Sec. 2. Be it further enacted, That the emoluments arising from the privilege of catching fish in the aforesaid New River streams, and said fishways, shall be equally divided between the towns aforesaid, and be
appropriated to the benefit of the said towns, as they may respectively judge most proper, and all expenses arising from the regulations of said fishway, and keeping the same in repair, shall be sustained and paid in equal proportion by the towns aforesaid.

Sec. 3.* Be it further enacted, That it shall be the duty of the joint committee aforesaid, to open said sluice or passageway by the first day of May annually, and keep the same open and clear from all obstructions, until the fifth day of July next following; and the said joint committee is hereby empowered to determine the number of and the particular days, not exceeding three, in each week, for taking and catching fish in said streams and fishways: Provided, their determination does not infringe on any existing laws of the state; and the said joint committee is further authorized to sell and dispose of the privilege of catching fish in said streams and fishways, as they may judge most beneficial to the interest of their respective towns; and the price of the fish caught in the said streams or fishways, shall be established by the joint committee aforesaid annually: Provided however, that the price of said fish shall not be raised after the tenth day of May in each year.

Sec. 4. Be it further enacted, that from and after the passing of this act, it shall not be lawful for any person to take salmon, shad or alewives, in any part of Damariscotta river, above the toll bridge across said river, with seines, dragnets, or other long nets, between the first day of May and the first day of July annually; and every person so offending, shall forfeit and pay for each offense the sum of fifty dollars.

Sec. 5. Be it further enacted, That from and after the passing of this act, it shall not be lawful for any

*Section 3 amended by S. L. 1905. chap. 363. see page 100. See also S. L. 1848. chap. 161, as amended. etc., page 87; S. L. 1867, chap. 320, page 89; S. L. 1874, chap. 420, page 90, also page 91, 92 and 93.
person to obstruct the passage of fish up the said New River or any part thereof, or the main stream up to the lower dam, as now constructed by hauling timber into the said New River stream at the lower end of said fish ways, at the mouth thereof, or the main stream, or by rafting lumber, or by going up and down with gondolas, boats, or by any other obstruction on such days as may hereafter be designated by the said joint committee for taking fish; and every person so offending shall forfeit and pay for each offense not more than fifty dollars, nor less than five dollars.

Sec. 6. Be it further enacted, That the committee of the town of Newcastle for the first year, and the committee for the town of Nobleboro for the second year (and so on in rotation forever) shall notify the town clerk of the other town of the time and place at which the said joint committee shall meet, and said notice shall be served at least ten days prior to the time of said meeting, at which, and at every subsequent meeting the majority present shall have the authority of the joint committee; and if either of the towns shall neglect the duty required of them by this act, such towns shall forfeit all right to the privilege of said streams and fishway for the current year.

Sec. 7. Be it further enacted, That if the purchaser or purchasers, manager or managers of said privilege, or any person employed by them, or by any of the joint committee, shall presume to take any of the said fish out of said streams or fishways, or by any means obstruct said passage way at any other time than that allowed by said joint committee, or if any person whatsoever, shall presume to take or catch any fish out of said streams or fishways, without the permission of the said committee, he or they so offending, shall for each offense forfeit and pay a sum not exceeding thirteen dollars nor less than two dollars.

Sec. 8. Be it further enacted, that if any person or
persons shall prevent, molest or retard the said com-
mittee from opening and keeping open a sluice way,
as directed in this act, by dams, logs, or any other
obstruction, or shall prevent the aforesaid joint com-
mittee, or either of them from doing anything they
may be required to do by this act, such person shall
forfeit and pay for each offense, a sum not exceed-
ing thirteen dollars nor less than one dollar.

Sec. 9. Be it further enacted, that the aforesaid
joint committee shall dispose of such proportion of the
fish caught in said streams as shall be designated by
the selectmen of the said towns, annually, to the poor
of said towns gratis; and this reservation and privilege
of the said poor, shall be inviolably preserved to them,
when the said committee annually lease the fishery for
the season, and shall always be the condition of said
lease.

Sec. 10. Be it further enacted, that if any person
shall make, build or erect any mill, dam, weir or other
obstruction, or if any person or persons interested or
concerned in any mill, dam, weir or other obstruction,
that is already made, or shall hereafter be made, shall
suffer and continue the same, in, across or upon the
said New River streams, or the main stream up or
through which the said fish called salmon, shad and ale-
wives, or either of them, pass and go into Damariscotta
pond to cast their spawn without making and providing
a sufficient passage or sluiceway for said fish to pass
up and down in the season of going up to spawn, and
of returning, shall forfeit and pay a sum not exceeding
two hundred dollars, nor less than fifty dollars, and
the same dam or obstruction shall be considered and
adjudged to be a nuisance and abated as such.

Sec. 11. Be it further enacted, that no passage or
sluice way shall be deemed sufficient within the mean-
ing and intent of this act, unless the same shall be so
constructed and made, as that any of the fish afore-
said, can, may, and do actually pass through or over the same with ease and convenience, and that said fish do find said way; and no sluice or passage way shall be deemed and taken to be sufficient, within the meaning and intent of this act, unless a passage or sluice way be provided for the safe and convenient passing down of said fish, both old and young, and be opened and kept open, from the twentieth day of August to the last day of September annually, over, through or by such obstruction, and if any person or persons, making, erecting, interested or concerned in such dam, mill or other obstruction, shall offend in this particular, he or they shall pay for each and every day he or they shall so offend, a sum not exceeding twenty dollars, nor less than ten dollars; provided, the power of cutting a passage or sluice way for fish to ascend and descend into, and from said pond, is hereby limited to the eastern branch of the New River stream.

Sec. 12. Be it further enacted, that all the fines, forfeitures and penalties aforesaid, incurred by this act, may be recovered by any person or persons, who may sue for the same, by action of debt in any court of competent jurisdiction to try the same, one-half for the use of the towns aforesaid, the other half to the use of the person or persons who may sue therefor.

Sec. 13. Be it further enacted, that the committee aforesaid or either of them, or any other person employed by, for, or under them shall have authority to go on, over or through any land, or through any mill, or wheresoever it shall be necessary for the purposes of this act, without being considered as trespassers; and no person by reason of his being one of the said committee shall be thereby disqualified from being a witness in any prosecution or suit for a breach of this act.
LINCOLN COUNTY.

(S. L. 1848, Chap. 161. Amended by S. L. 1862, Chap. 171.)

AN ACT to regulate the fishing in the Damariscotta river in the county of Lincoln.

Sec. 1. No weirs or pounds shall be constructed or maintained in Damariscotta river between Newcastle south line and a line drawn east and west across said river, at a point one-half mile south of Goose Rock in Damariscotta salt bay, except as provided for in this act.

Sec. 2. Weirs or pounds may be constructed or maintained on Damariscotta river between Newcastle south line and a line drawn east and west across said river at a point one-half mile south of Goose Rock, in Damariscotta salt bay, so called, under the following regulations and restrictions. Every weir shall have a gate or door adjacent to the pound, or twelve feet in width and of the height of the weir; and there shall also be another gate or door in that side of the pound at which fish are taken and secured, four feet in width and five feet in height; and whenever such weirs cross a spur or side channel, there shall be a gate or door of four feet in width and of the height of the weir, said gates shall extend from the bottom of the weir or pound and shall be constructed of materials which shall render them plainly visible from the shore. No weir shall extend more than half-way across the river, measured at high water, to the nearest point of the opposite shore, nor shall any weir or pound extend beyond the first margin of the channel marked and made bare at low water at the usual ebb of the tide.

Sec. 3. Fish may be taken in such weirs or pounds on Tuesday, Wednesday and Thursday of each week, between the first day of May and the fifteenth day of July in each year, and at no other time; and said gates or doors may be kept closed from sunrise of Tuesday
morning to sunset of Thursday evening of each week during that period; and on all other days and times they shall be removed and kept on shore; and said doorways kept open for the free passage of salmon, shad and alewives up and down the river; and all netting used on such weirs and pounds shall be removed and the weirs stripped by the fifteenth day of July in each year.

Sec. 4. The fish committees of the towns of Newcastle and Nobleboro, or persons in their employ or acting under contract with them, shall be allowed to take fish at the usual places on the main stream and the western branch of the New River stream on each day of the week, excepting Sunday, from the first day of May to the fifteenth day of July of each year; but shall not at any time take any fish in the eastern branch of New River stream.

Sec. 5. Any person, town or towns who shall violate any of the foregoing provisions, and continue such violation for one day, shall forfeit and pay for each such offense not less than twenty nor more than two hundred dollars, to the use of any person who may sue therefor, in an action of debt in any court of competent jurisdiction to try the same; and any person, town or towns who shall catch any salmon, shad or alewives in said river, except as hereinbefore provided, shall forfeit and pay for each fish so taken, the sum of twenty-five cents, to be recovered in the manner and to the use aforesaid.

Sec. 6. If any person shall during the fishing season before mentioned, place or continue any obstructions in or across the western branch of New River Stream which shall prevent a sufficient quantity of water from flowing down said branch to enable alewives to ascend into the usual fishing places and pools in said branch as they have heretofore done, the same shall to that extent be considered a nuisance and may be removed
by the aforesaid fish committees or any of them; and the offender shall also be liable to a penalty of not less than fifty dollars, to be recovered in the manner and to the use aforesaid; and the fish committees aforesaid may adopt such measures as may be necessary to regulate the quantity of water in said New River stream during the fishing season, and as the public interest in said fishery may require; and any person who shall wilfully do any act which shall hinder or prevent the ascent or descent of the fish to and from Damariscotta pond during the usual period of their ascent or descent, shall be liable to a penalty of not less than twenty dollars for each offense, to be recovered in the manner and for the use aforesaid.

Sec. 7. The fish committee provided for by the act to which this is additional before entering upon their duties shall each give bond with sufficient sureties, in the sum of one thousand dollars, payable to the towns respectively by which they are chosen, conditioned for the faithful performance of their trust, and for the due observance of all the laws regulating said fishery.

Sec. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(S. L. 1867, Chap. 320.)

AN ACT additional to an act regulating the taking of alewives in the Damariscotta river.

Sec. 1. The fish committee of the towns of Nobleboro and Newcastle shall be under such rules and regulations as to the taking and disposing of the alewives in the Damariscotta river and streams as the selectmen of said towns may annually provide, meaning for said selectmen to have full power over the said streams and fish committee.

Sec. 2. No person shall raft any lumber or logs
SEA AND SHORE FISHERIES.

in said streams, or haul any logs or lumber into said streams, or go out and in said streams with any gondola or boat, from the fifth day of May until the twentieth day of June, without permission from the selectmen of said towns, under a penalty of twenty dollars for each offense, one-half thereof for the use of the towns, the other half to the person who shall complain of the parties violating any of the provisions of this act.

Sec. 3. The selectmen of the towns of Nobleboro and Newcastle may annually, by vote of said towns, sell at public auction, in either of the said towns, on or before the fifth day of May, the use and benefit of said fish streams during the fishing season; the parties so purchasing shall be under the same rules and regulations as the fish committee aforesaid.

(S. L. 1874, Chap. 420.)

AN ACT to protect and facilitate the taking of Alewives in the Damariscotta river.

Sec. 1. It shall be unlawful for the occupant or occupants of mills on the Damariscotta river, at Damariscotta Mills village, in the towns of Newcastle and Nobleboro, and for all persons employed in and about said mills, and for all other persons, to cast or throw any sawdust, match splints, edgings, or other waste lumber made in the sawing or manufacturing of lumber at said mills, into said river, or to so place or pile them that they shall fall or be washed into said river, between sunrise in the morning and nine o'clock in the evening of each day, commencing with the tenth day of May, annually, and ending with the twenty-fifth day of June next following; provided, however, that the selectmen of said towns may from time to time, between the tenth day of May and the twenty-fifth day of June as aforesaid, by a written or verbal permit, release the occupant or occupants of said mills from the
prohibition herein named, when the condition of the weather renders the taking of alewives impracticable in said river, and they shall deem that such release will not be prejudicial to the interests of said towns.

Sec. 2. Any person wilfully violating the provisions of the preceding section shall be punished by a fine not less than one hundred dollars, recoverable in an action of debt, in the name and for the benefit of the inhabitants of said towns, in any court of competent jurisdiction to try the same.

Sec. 3. It shall be the duty of the selectmen of the towns of Newcastle and Nobleboro to take prompt measures for the enforcement of this act whenever they shall have reasonable cause to believe it has been violated.

(S. L. 1867, Chap. 190.)

AN ACT to regulate the taking of fish in the Damariscotta river.

Sec. 1. No person shall be allowed during the months of December, January, February and March of each year, to take fish by the use of nets or seines from the Damariscotta river and its tributaries, so far up said river as the tide waters extend.

Sec. 2. If any person shall take fish from said river or its tributaries in violation of the provisions of this act, he shall forfeit and pay a penalty of fifty dollars for each offense; one-half to the use of the state, and the other half to the use of the person prosecuting therefor.

(S. L. 1875, Chap. 154 amended by S. L. 1878, Chap. 34, 1901, Chap. 391, 1907, Chap. 389.)

AN ACT for protection and propagation of eels in Damariscotta river and pond.

Sec. 1. Section one of chapter thirty-four of private and special laws of eighteen hundred and seventy-eight
as amended by chapter three hundred ninety-one of the laws of nineteen hundred and one is hereby amended by adding to said section the following:

'Except that eels may be caught by potting, trapping, netting or any other device, in the waters and tributaries of the Damariscotta river during the months of September and October, to the south of a line drawn from the east shore of said river in the town of Bristol at the north side of the northern ice house at Clark's cove, so called, west to a point opposite on the west shore of said river in the town of Edgecomb.'

Sec. 2. Section two of chapter thirty-four of the private and special laws of eighteen hundred and seventy-eight as amended by chapter three hundred ninety-one of the laws of nineteen hundred and one is hereby amended by adding to said section the following: 'except during the months of September and October in the territories excepted in section one,' so that the law as amended, shall read as follows:

'Sec. 2. It shall not be lawful for any person to catch or take eels from Damariscotta river or pond during the months of May, June, July, August, September and October, by potting, trapping, netting, or by any other device; and any person so offending shall, on conviction, forfeit and pay a fine of not less than five, nor more than twenty dollars, to be recovered in an action of debt; one-half to the complainant, and the other half to the town where the offense is committed, before any trial justice in the county of Lincoln; except that eels may be caught by potting, trapping, netting or any other device, in the waters and tributaries of the Damariscotta river during the months of September and October, to the south of a line drawn from the east shore of said river in the town of Bristol at the north side of the northern ice house at Clark's cove, so called, west to a point opposite on the west shore of said river in the town of Edgecomb.'
Sec. 3. It shall be lawful for any person finding any pots, traps, nets or other devices set in said waters for the purpose of catching or taking eels during said months, to remove and destroy the same except during the months of September and October in the territories excepted in section one.

(S. L. 1862, Chap. 155.)

AN ACT to prevent the destruction of Alewives in Damariscotta pond.

Sec. 1. If any person or persons shall in any manner take or destroy any alewives in Damariscotta pond or any of the streams emptying into said pond, he or they shall forfeit and pay a fine of one dollar for each alewise so taken or destroyed.

Sec. 2. If any person or persons shall set nets or build weirs in said pond or any of the waters aforesaid for the purpose of taking said fish, he or they shall forfeit and pay a fine of fifty dollars for each and every such offense.

Sec. 3. All penalties and forfeitures arising by force of this act shall be recovered by action of debt in any court proper to try the same, one-half to the use of the state and one-half to the person or persons who shall sue for the same.

(S. L. 1881, Chap. 101.)

AN ACT to empower the fish committees of the towns of Nobleboro and Newcastle to protect the alewives, returning from their spawning beds in Damariscotta pond, in the county of Lincoln, to the fish streams of said towns.

Sec. 1. The fish committees of the towns of Nobleboro and Newcastle, in the county of Lincoln, are hereby authorized and empowered to turn the alewives, re-
turning from their spawning beds in Damariscotta pond in the county of Lincoln, from the passage way leading from said pond to the mills upon said stream, into and through the Lock stream, so called, of said towns.

Sec. 2. They shall have full power to cut any channel from the main channel leading from the pond to the mills, and may place or erect a wire netting, or any other device, from any point on the main channel leading from the pond to the mills, to any point at or near the Lock stream.

Sec. 3. Any person who shall, without the consent of some member of the fish committees of said towns, remove any netting or other device from its fastenings when erected by said committees, or in any way interfere with or disturb said netting or device, for any purpose whatever, shall, upon conviction, forfeit and pay not less than twenty nor more than fifty dollars, in action of debt, for each and every offense, one-half to be received by the party making the complaint, the remainder to go to the county of Lincoln.

(S. L. 1822, Chap. 130. Amended by S. L. 1828 Chap. 550, 1907, Chap. 413.)

AN ACT to regulate the taking of fish in Dyer's river.

Sec. 1. Be it enacted, etc., That the towns of Newcastle and Jefferson, be, and they are hereby respectively empowered, at their annual town meetings, in the month of March or April in each year, to choose a committee of not more than seven nor less than three persons in each town, who shall be sworn to the faithful discharge of their duty; and it shall be their duty to cause the natural course of Dyer's river in their respective towns, to be kept open and free for the passage of salmon, shad and alewives up said river, from the fifth day of May to the twenty-fifth day of June, and keep the fishways open in said
river from the twentieth day of August to the last day of September in each year; and they shall have power and it shall be their duty to remove all obstructions which they may find in said river, and to pass over the lands of any person through or by which said river runs, in the discharge of their said duty, without being considered trespassers. And said committees respectively are authorized to exercise the powers and perform the duties within the limits of both said towns, as well as within the limits of the town for which they were chosen. And any person preventing, hindering or molesting said committee or either of them, in the discharge of their or his duty in said office, or who shall obstruct any passageway in said river, during the terms aforesaid, he or they so offending, shall forfeit and pay a sum not exceeding twenty dollars nor less than one dollar: Provided nevertheless, That nothing in this act shall be so construed as to give the said committee power to injure the proprietors of any lands, mills, or water works, further than is necessary for a good and sufficient passageway for said fish to pass up and down said river.

Sec. 2. Be it further enacted, that the inhabitants of said towns respectively, are hereby authorized and empowered to take said fish within the limits of their respective towns, five days in each week; and the selectmen of each of said towns, shall annually, in the month of April, appoint the days in each week for taking said fish, and the place and manner of taking them, and post notifications thereof in some public place, in their respective towns, at least seven days before the said fifth day of May; and it shall be lawful for the said towns respectively, in legal town meeting, to sell and dispose of the privilege of taking said fish for any term not exceeding one year, at any one time, to any person or persons, under such restrictions and regulations as the said town shall respectively direct, and the profits
arising from such sale shall be appropriated to such purposes as the inhabitants of said towns respectively shall order.

Sec. 3. Be it further enacted, That if any person or persons shall take any salmon, shad, or alewives, in said river, contrary to the provisions of this act, they shall severally forfeit and pay for each offense a sum not exceeding twenty dollars nor less than one dollar.

Sec. 4. Be it further enacted, That all the penalties which may be incurred by any breach of this act, shall be recovered by action on the case, before any justice of the peace for the county of Lincoln, by any inhabitant of the town wherein the offense shall have been committed, the one-half to the use of the said town, and the other half to the use of the person, who shall prosecute for the same; and no person by reason of his being one of the selectmen, or being one of said committee, or an inhabitant of said town, shall be disqualified from being a witness in any suit or prosecution for any breach of this act.

Sec. 5. Be it further enacted, That all acts heretofore, made, regulating the taking of said fish in said river, be and they are hereby repealed.

(S. L. 1874, Chap. 509 amended by S. L. 1881, Chap. 73.)

AN ACT to protect fish in Medomak River.

Sec. 1. No person shall fish for, catch, take, kill or destroy any salmon, blue backs, shiners or alewives, in any of the waters of the Medomak river or its tributaries in the town of Waldoborough, with any net, seine, weir or trap, except as hereinafter provided.

Sec. 2. The entire control and authority over the fishways, and the right and privilege of taking salmon, blue backs, shiners or alewives in the Medomak river,
within the limits of the town of Waldoborough, in the county of Lincoln, is hereby granted to said town of Waldoborough; but nothing contained in this act is intended to be in conflict with the fortieth chapter of the revised statutes and its amendments.

Sec. 3. Said town at any legal town meeting, when an article shall be duly inserted in the warrant for that purpose, is hereby authorized and empowered to take all such action as may be necessary to cause proper fishways to be opened, constructed and maintained through the dams on said river, within the limits of said town, and for that purpose may choose committees or authorize the selectmen to cause it to be done, who may act for themselves or appoint a committee or committees for that purpose. And said town may raise the necessary amount of money to cause said fishways to be built and maintained instead of requiring the owners of the dams to do it, as they shall deem best.

Sec. 4. The selectmen or committees in the discharge of their duties under this act, are authorized and empowered to pass over the land of any proprietor on said river, or through any mills or buildings so far as it may be necessary to the proper discharge of their duties without being able to trespass or damage.

Sec. 5. It shall not be lawful for any person to take any salmon, shad or alewives in said river without permission of said town, within five years from the time any such fishways shall be built, and any person so offending shall, on conviction, be liable to a fine or penalty of ten dollars for each offense, one-half to the complainant and the other half to the town.

Sec. 6. It shall and may be lawful for said town instead of appointing a committee as aforesaid, to contract with some suitable person or persons, upon proper terms and conditions, to cause the said fishways to be built and maintained, who shall have the same rights, authority and protection as such selectmen or committee would have.
AN ACT to protect Medomak river.

Sec. 1. No person or persons shall erect any fish weirs in Medomak river, in the town of Waldoboro; between the lower bridge and a line cross said river at right angles at Hollis' Point, or maintain or allow to remain any fish weirs erected within said limits previous to the passage and approval of this act, on and after the first day of May, in the year of our Lord one thousand eight hundred and seventy-six, without written permission from the harbor master, by him subscribed, and recorded by the clerk of said town of Waldoboro. All fish weirs erected contrary to the provisions of this act, and all fish weirs now erected that are maintained or allowed to remain on and after said first day of May, contrary to the provisions of this act, shall be deemed a public nuisance, and liable to abatement.

Sec. 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and liable to prosecution therefor by indictment in any court of competent jurisdiction, and upon conviction thereof, shall be punished by a fine not less than two hundred dollars nor more than five hundred dollars, and all expenses for an abatement or removal of such fish weirs, and to stand committed until he shall pay the same or give satisfactory security therefor.

Sec. 3. The town of Waldoboro, at its annual meeting for the choice of town officers, shall annually choose a harbor master, whose duty it shall be to attend to the enforcement of the foregoing provisions, and for which duty he shall be paid by said town a reasonable compensation.
(S. L. 1870, Chap. 466.)

AN ACT authorizing John C. Harriman, Alfred Lennox, and others to erect and maintain a fish weir in Sheepscot river.

Sec. 1. John C. Harriman, Alfred Lennox, Nathaniel Lincoln, James Taylor, Dwight F. Tinkham, George B. Sawyer, Joseph J. Kennedy, Richard H. Tucker and Reuben M. Brookings, their successors and assigns, are hereby authorized to erect and maintain a fish weir in the tide waters of Sheepscot river, in the town of Wiscasset, commencing at Goose Rock, so called; provided, that such weir be so constructed as not to obstruct or interfere with the navigation of said river, and that the same shall be subject to all general laws regulating the fisheries in said Sheepscot river.

(S. L. 1899, Chap. 47.)

AN ACT to authorize the construction of a dam at the outlet of the mill pond at New Harbor in the town of Bristol.

Lyman W. Hanna and William Mears, Junior, their heirs, successors and assigns are hereby authorized and empowered to build and maintain a dam at the outlet of the mill pond, so called, at New Harbor in the town of Bristol, and use said mill pond as a lobster pound, so far as such use does not conflict with the fish and game laws now existing or hereafter enacted. There shall be a suitable waterway in said dam to admit from time to time the inflow and outflow of tide water, and the purity of the water and a cleanly condition of the shores of said mill pond shall be preserved.
(S. L. 1905, Chap. 363.)

AN ACT to amend section three of chapter fifty of the Private and Special Laws of eighteen hundred and twenty-one, as amended by chapter one hundred and sixty-one of the Private and Special Laws of eighteen hundred and forty-eight, as amended by chapter one hundred and seventy-one of the Private and Special Laws of eighteen hundred and sixty-two, as amended by chapter four hundred and thirteen of the Private and Special Laws of nineteen hundred and three, relating to extending the time of controlling the water at the alewive fishery at Damariscotta Mills.

Sec. 1.* Section three of chapter fifty of the Private and Special Laws of eighteen hundred and twenty-one, as amended by chapter one hundred and sixty-one of the Private and Special Laws of eighteen hundred and forty-eight, as amended by chapter one hundred and seventy-one of the Private and Special Laws of eighteen hundred and sixty-two, as amended by chapter four hundred and thirteen of the Private and Special Laws of nineteen hundred and three, is hereby further amended so that it shall be lawful for the joint fish committee of the towns of Nobleboro and Newcastle to control the water and sluiceways at the alewive fishery at Damariscotta Mills from the twentieth day of April to the fifteenth day of July annually; provided that said control in no way interferes with the rights which the Damariscotta Mills Water Company now have.

(S. L. 1903, Chap. 362.)

AN ACT to permit the use of Purse Seines in Damariscotta River.

Sec. 1. The use of purse seines in Damariscotta river, for the purpose of catching all fish except smelts

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*S. L. 1821, chap. 50, see page 82. S. L. 1848, chap. 161. as amended by S. L. 1862, chap. 171, see page 87.
and alewives, from the mouth of said river to a point known as the "Ledges," is hereby permitted and made legal from the first day of July to the first day of November, inclusive, in each year.

(S. L. 1909, Chap. 50.)

AN ACT for the better protection of oysters in Sheepscot and Dyer's rivers, Lincoln County, Maine.

The selectmen of the towns of Newcastle and Alna, Lincoln County, Maine, are hereby authorized to give a permit or license to any inhabitant of the state to take from the shores or waters of Sheepscot or Dyer's rivers above Sheepscot Falls, oysters from said rivers or shores not to exceed one bushel, including the shells, in any one week, and whosoever takes oysters from said rivers without a license from said selectmen shall forfeit and pay the sum of five dollars into the treasuries of said towns for every bushel of oysters, including the shells, so taken or destroyed.

(S. L. 1905, Chap. 140.)

AN ACT authorizing West Harbor Ice Company to construct a fishway and to protect alewives in West Harbor Ice pond and its tributaries.

Sec. 1. The West Harbor Ice Company of Boothbay Harbor is hereby authorized and empowered to construct and maintain a fishway around or over their dam from tide waters to the water of its Ice pond.

Sec. 2. No person shall take alewives from the waters of West Harbor Ice pond and its tributaries, or in either of the ponds having an outlet into said pond, or any fishway constructed by the West Harbor Ice Company or in the tide waters within one hundred feet of such fishway for a period of five years. Whoever takes alewives contrary to the provisions
this section shall be fined ten dollars for each offense to be recovered by complaint, indictment or action of debt.

(S. L. 1907, Chap. 61, as am. by S. L. 1909, Chap. 210.)

AN ACT to better protect the Lobster industry within two miles from the shore of Monhegan Island between the first day of June and the twenty-fifth day of November of each year.

Sec. 1. It shall be unlawful to take, catch, kill, destroy or set any lobster trap or other device for the purpose of taking, catching, killing or destroying any lobster or lobsters within two miles of the shore of Monhegan island between the twenty-fifth day of June of each year and the fifteenth of January following.

Sec. 2. Any person violating the provisions of the foregoing section shall be punished by a fine of one dollar for each and every lobster taken, caught, killed or destroyed, and of five dollars for each lobster trap or other device set, contrary to the provisions of the foregoing section. Trial justices and judges of police and municipal courts shall have jurisdiction of all offenses under this act.

Sec. 3. This act shall take effect on the first day of June, nineteen hundred and seven.

Samoset Island Association of Boothbay Authorized to Propagate Lobsters.

(S. L. 1883, Chap. 329.)

Sec. 4. In order to secure a sufficient and regular supply of lobsters for domestic consumption, on any lands or islands under the control of said corporation, it may increase the number of lobsters within said limits by artificial propagation, or other appropriate acts and methods, under the direction of the fishery
commission, and shall not be interfered with by other parties, but be protected therein, as said commission shall determine and shall have the right, by its agents and tenants, to take and catch lobsters within three hundred yards of the low water line of the islands and lands owned or leased by said corporation, during each and every month, for domestic use.

KNOX COUNTY.

(S. L. 1825, Chap. 306.)

AN ACT respecting the Fisheries in the counties of Lincoln and Cumberland.

Sec. 1. That the first section of an act of the general court of the commonwealth of Massachusetts, passed the first day of March, in the year of our Lord one thousand seven hundred and ninety-eight, entitled "An Act for the preservation of the fish called salmon, shad, and alewives, in the rivers, streams and waters within the counties of Lincoln and Cumberland, and for repealing all other laws heretofore made for that purpose, so far as respects their operation in said counties," which said act is still in force, in certain parts of said counties, so far as relates to the rivers, streams and waters, within the towns of Union and Hope, in the county of Lincoln, be, and the same is hereby repealed. Provided, however, That if a majority of the inhabitants of either of said towns, at their annual meeting, in March or April, shall decide by their votes, that any passage or sluiceway shall be opened in their respective towns, as provided in said section, the same shall be in force, for that year, so far as relates to the particular passage or sluiceway so decided upon.

Sec. 2. Be it further enacted, That the tenth section of the act aforesaid, be, and the same is hereby
repealed, so far as relates to the towns of Union and Hope aforesaid: Provided, That the said towns may, at their annual meeting, in March or April, choose fish wardens, agreeably to the provisions of said section, whose duties, as defined in the eleventh section of said act, shall extend only to such places for passages and sluiceways, as shall have been decided upon in the manner provided by this act.

(S. L. 1885, Chap. 476.)

AN ACT to provide for the taking of Alewives in the town of Union.

Sec. 1. Inhabitants of the town of Union may take from Georges river, and its tributaries within said town, by dip net or hook and line, on Wednesdays and Thursdays of each week, from the first day of April to the fifteenth day of July, such alewives as may be necessary for their own personal and domestic use, but not for sale or exchange.

Sec. 2. Any person violating any of the provisions of this act shall forfeit five dollars for each offense, and a further sum of twenty-five cents for each alewife illegally caught or killed, or be subject to thirty days' imprisonment on complaint before any trial justice of the county of Knox, one-half of said forfeiture to the complainant and one-half to said county.

(S. L. 1895, Chap. 288.)

AN ACT relating to the use of Purse and Drag Seines in the Georges river.

Sec. 1. It shall be lawful for the inhabitants of the towns of Cushing and Saint George, but none others, to use any purse or drag seines, except for smelts, shad and alewives, in the waters of the Georges river included and embraced in a line drawn from Hooper's
point in the town of Saint George, westerly past the northerly end of Caldwell’s island to a point opposite on the shore in the town of Cushing; and a line drawn from Stone’s point in the town of Cushing, easterly to Turkey point in the town of Saint George.

Sec. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

(As to smelts see P. L. 1911, Chap. 90.)

(S. L. 1801 (Massachusetts) Chap. 66. Amended by S. L. 1831 (Maine) Chap. 125, S. L. 1868, Chap. 574, S. L. 1878, Chap. 49.)

AN ACT to regulate the Shad and Alewive Fishery in the town of Warren, in the county of Lincoln. (Now Knox.)

Sec. 1. Be it enacted, etc., That it shall and may be lawful for the town of Warren, in the county of Lincoln, annually, at any legal meeting of the inhabitants of said town, to sell, or otherwise dispose of the privilege of taking fish called shad and alewives in any river, or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct; and the emolument arising from said privileges shall be appropriated, by said town, to such purposes and uses as the inhabitants thereof, shall, in town meetings, from time to time determine.

Sec. 2. And be it further enacted, That if the purchaser or purchasers, manager or managers, of the privilege, or those employed by them, shall presume to take any of the said fish at any other time or place in said town than shall be determined by said town, and if any other person whatever shall presume to take or catch any of said fish, in any river or stream within the boundaries of said town, without permission from the inhabitants thereof, in legal town meeting, he or
they so offending shall, for each offense, forfeit and pay a sum not exceeding fifty dollars nor less than five dollars, at the discretion of the justice before whom the offense shall be tried.

Sec. 3. And be it further enacted, That if the purchaser or purchasers, manager or managers of said privilege, shall, when in his or their power, refuse to supply any person or persons, inhabitant or inhabitants of any town lying on St. Georges river, with any quantity or alewives when green, not exceeding five hundred, to any one person who may apply therefor, at such rates as shall be determined by said town, not exceeding fifty cents for an hundred, he or they so offending shall for each offense forfeit and pay the sum of one dollar; and if any person or persons shall ask, demand or receive more than fifty cents for an hundred of alewives, and in that proportion for a less number at the landing where said fish are taken, he or they shall forfeit and pay the sum of one dollar.

Sec. 4. And be it further enacted, That the said town of Warren shall, at their annual meeting in March or April, choose a committee, not exceeding seven, nor less than three freeholders of said town, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this act, and it shall be the duty of the said committee to cause the natural course of the rivers, or streams, through which the said fish shall pass, to be kept open and without obstruction, during the whole time the said fish pass up, and down the rivers, or streams in each year; and to remove any such obstruction as shall be found therein; and the said committee or a majority of them, in the discharge of their duty, and also, those, who are lawfully employed in catching the said fish, or in buying the same, shall be permitted at all times to go upon, and pass over the lands of any person, through or by which said rivers, or streams run, without being considered as trespassers;
and any person, who shall hinder or molest the said committee in the business of his or their office, or shall obstruct any passage way in any of the said rivers or streams; otherwise than may be permitted by said committee, or a majority of them, he or they, so offending, shall forfeit and pay, for every such offense, a sum not exceeding thirteen dollars, nor less than one dollar, at the discretion of the justice, before whom the same shall be tried; Provided nevertheless, That nothing in this act shall be considered as authorizing the said committee to injure the proprietor of any mill, or water works, further than is necessary to give the said fish a good and sufficient passage up and down the rivers, and streams aforesaid.

Sec. 5. Provided also, and be it further enacted, That whereas a passage way for the said fish has been made around certain mills situated at the great falls in St. Georges river, so called, in said town, and it is necessary to ascertain whether the same is sufficient for the passage of said fish, before the time for holding the next court of general sessions of the peace in the county of Lincoln, David Fales, John McKellar, and Moses Cопeland, Esquires, be and they are hereby appointed a committee to repair, in the ensuing spring, at the request and expense of the proprietors of the said mills, to the place where said passageway is, before the usual time for the running of said fish, and to ascertain, and determine, whether the same is sufficient for the passage of said fish; and if it shall be considered sufficient by the said committee, and shall be kept, by the proprietor of said mills, during the spring, and summer next ensuing, in the same state, as when viewed by the said committee; it shall be considered as sufficient for the passage of said fish, for the present year; and it shall be lawful for any owner, or occupant of any mill, or dam already built, or hereafter to be built upon St. Georges river, or any stream communicating therewith,
within the limits of said town, who is or may be ob-
liged to open any passage for said fish, to apply to the
court of general sessions of the peace, next to be holden
in, and for said county; and the justices of the said
court on such application, are hereby authorized and
directed to appoint a committee of three discreet, and
disinterested freeholders of said county, under oath, to
repair to the dam, or place where such passage is, or is
proposed to be opened, and carefully to view and exam-
ine the same, and in the best manner, they are able, in-
form themselves, of the proper place for the passage
of the said fish up, and down the said river and stream,
of what dimensions the same shall be; and what part
of each year and how long the same shall be kept open;
and the said committee shall return the same under
their hands or the hands of the majority of them, to the
said court, as soon as may be, which return, so made,
if accepted, by said court, shall be deemed, and ad-
judged the lawful rule of proceeding in making, and
keeping open the passage or passages for said fish in
passing up and down the said river or streams for
the future.

Sec. 6. And be it further enacted, That it shall be
the duty of the fish committee appointed by said town,
to prosecute for all breaches of this act, and for any
one of them to seize, and detain in their custody any
net, seine, boat, buoy, or other implements in actual use
for the purpose of catching said fish or obstructing
their passage, contrary to the true intent and meaning
of this act, and such net, seine, boat, buoy or other
implements so seized by said committee shall be for-
feited to the use of said town, unless the owner or other
person so having used the same shall, within ten days
after such seizure, redeem the same by making satis-
faction for said offense; and may also seize, to the
use of said town, all such fish as they shall suspect to
have been taken contrary to the provisions of this act,
unless the person in possession thereof shall give satisfactory evidence to said committee that said fish were lawfully taken.

Sec. 7. And be it further enacted, That all the penalties incurred by any breach of this act, shall be recovered by an action on the case, or by an action of debt, before any justice of the peace within and for the county of Lincoln, allowing an appeal to the next court of common pleas to be holden in, and for said county, and all sums of money recovered in consequence of any breach of this act, shall be to the use of said town, and no person by reason of his being one of said committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution, or suit for the breach of this act.

Sec. 8. Be it enacted, etc., That it may be lawful for the town of Warren, in the county of Lincoln, annually at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called shad and alewives, in any river or place within the limits of said town, not exceeding four days in each week, under such regulations as the town shall direct; and the emoluments arising from said privilege, shall be appropriated by said town to such purposes, and uses, as the inhabitants thereof, shall, in town meetings, from time to time determine.

Sec. 9. Be it further enacted, That all acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

(S. L. 1844, Chap. 126. Amended by S. L. 1857, Chap. 83, S. L. 1891, Chap. 36.)

AN ACT for the preservation of Salmon, Shad and Alewives, in Georges’ river and tributary streams.

Sec. 1. The towns of Thomaston, St. George and Cushing, shall, at their meeting for the choice of town
officers in the months of March or April, annually, choose in each town by written ballot one person, and the town of Warren, shall in the same manner, choose two persons, to be called fish wardens; and in case of vacancy by death, resignation or neglect of the town to choose such fish wardens, then the selectmen of said town shall forthwith appoint such person to be fish warden; and each person so chosen or appointed, shall be sworn faithfully to discharge the duties required of him by this act.

Sec. 2. It shall be the duty of said board of fish wardens, to maintain a general supervision over the fisheries of salmon, shad and alewives, in the waters of Georges' river and streams emptying into the same.

Sec. 3. The said fish wardens shall hold an annual meeting at Warren, on the fourth Monday of April, with power to adjourn to such places and times as they may think expedient. And three of said board shall constitute a quorum for the transaction of business. If any ten responsible persons, citizens of either of the towns of Warren, Thomaston, St. George or Cushing, shall, at any time, see cause to petition the fish wardens in relation to any matter of which they have jurisdiction by the provisions of this act, it shall be their duty to attend forthwith to the prayer of such petition, and hear the parties; and if, in their opinion, such petition was for sufficient cause or for any violation of this act, the person so violating or causing such meeting, shall pay the expenses of the same, otherwise, the expense shall be paid by the petitioners.

Sec. 4. The said board of fish wardens shall, from time to time, examine all dams and obstructions in said Georges' river and the streams emptying into the same, in which salmon, shad or alewives abound, and after notice in writing to one or more of the parties interested, and a hearing thereon, shall decide what would be a suitable fishway by or through such obstruc-
tions; and in deciding thereon, the said fish wardens shall consult, as far as practicable, the convenience and also the safety of the structures by or through which such fishway shall pass; and said fish wardens shall define and prescribe such fishway as they may judge suitable and sufficient, not exceeding one foot in width, in fifteen of the length of the dam, running directly across any stream or river, and give written notice thereof to some owner or occupant of said dam, and in said notice to require the fishway to be made according to the description, at any time between the fifteenth day of July, and the first day of May, in the following year, so that the same shall be kept open from the first day of May, to the fifteenth day of July, of each year, for the passage of fish. And if such fishway shall not be made and opened to the satisfaction of said board of fish wardens, during the time specified in this section, then the said board are hereby authorized and empowered to cause the natural course of the stream through which the said fish pass, to be kept open and without obstruction; to remove such as may be found therein, and shall have authority to go on the land or meadow of any person through which such streams run, without being considered trespassers, and shall open or cause to be opened, any sluiceway through any dam now erected, or that may hereafter be erected, on or over any of said rivers or streams, between the ponds where the fish usually cast their spawn, and the sea, at the expense of the owner or owners of such dam or sluice; provided, such owner or owners shall neglect or refuse to open the same when required by said fish wardens. And the dam or sluice so opened, shall continue open in every year, to such depth and width, and for such term of time, between the first day of May and the fifteenth day of July, as said fish wardens shall deem necessary. And the fish wardens resident in Warren shall define and describe in writing the place
or places at which fish shall be taken, within the limits of said town, and cause the same to be entered upon the records of said town of Warren; and if any person shall take any of the fish aforesaid, at any other place than such place or places so defined by said fish wardens, or shall by placing any impediment in or near said fishway, or by any other means hinder or obstruct the passage up, through or over such way or sluice between the first day of May and the fifteen day of July in each year, without the written permission and direction of said fish wardens first had and obtained therefore, the person so offending shall forfeit and pay a penalty of twenty dollars for each and every offense.

Sec. 5. Said board of fish wardens shall appoint deputy fish wardens, in such places as they may deem proper, not exceeding seven in all, who shall be sworn to the faithful discharge of the trust, and shall forward a certificate of said oath to the fish warden of his town, within ten days from the time of being notified of his appointment. All deputies shall be removable at the pleasure of the fish wardens; and it shall be the duty of said fish wardens, without delay, to fill all vacancies in the office of deputy wardens occasioned by death, resignation or otherwise.

Sec. 6. It shall be the duty of all fish wardens and deputy fish wardens, by all lawful means, to prevent the taking or destroying any of the fish aforesaid, in any of the waters, in violation of law, and also to institute prosecutions for all such offenses against this act as shall come to their knowledge, and prosecute the same to final judgment. And in such prosecutions any fish warden or deputy fish warden is hereby made a competent witness, and shall be allowed for travel and attendance as such, although he may be made a prosecutor in the suit. And any fish warden or deputy fish warden shall have right and authority to visit any dam, weir, boat, net, trap or other machine erected or placed
for the purpose of taking or destroying any of said fish, at any time or place where or when the taking or destruction of said fish is prohibited by law. And the power of each fish warden and deputy warden shall and is made to extend equally to every portion of the waters before described, in any town into which said waters extend.

Sec. 7. Between the first day of April and the fifteenth day of July, in each year, no person shall take or destroy, in any of said waters, any of the fish aforesaid, either by means of weirs, nets or any other implement, apparatus or machinery whatever, except between sunrise of Monday and sunrise on Saturday of any week. And any person committing any offense against this provision, or aiding or abetting the same, shall forfeit and pay for every such offense, the sum of ten dollars.

Sec. 8. Every weir shall be provided with a gate or passage way at least three feet wide, and extending from the bottom or floor thereof to high water line, which gate or door shall be in the pound or apartment wherein said fish are secured or taken. And the said gate shall be left open without impediment to the passage of said fish, from sunrise on Saturday of each week, to sunrise on the succeeding Monday, between the first day of April and the fifteenth day of July, in each year; and any weir that shall be made without such gate or door, or if any such gate or door shall not be kept open as herein required, the owner or occupant of such weir shall forfeit for each offense, ten dollars.

Sec. 9. All weirs shall be stripped, so as to admit the free passage of alewives and other smaller fish through the same, on or before the fifteenth day of July in each year. And the owner or owners of any weir who shall neglect to strip the same, shall forfeit five dollars for every day until the same is stripped as aforesaid.
Sec. 10. Any fish warden or deputy fish warden, who shall be forcibly resisted in the discharge of any duty, prescribed by this act, is hereby authorized to require of any person or persons the assistance which may be requisite for his protection to enable him to discharge the duties aforesaid. And if any person, who shall be by him called upon for that purpose, shall unreasonably refuse or neglect to render the required assistance he shall be liable to forfeit and pay the sum of ten dollars.

Sec. 11. No person shall take or destroy any of the fish aforesaid, in any of said waters, between the fifteenth day of July in one year, and the first day of April in the succeeding year, and each and every person violating this provision, shall forfeit and pay the sum of twenty dollars for each offense. Any of the fish aforesaid may be taken by the town of Warren on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, and Saturdays, if the town so vote, of each week, and said town, in so taking fish, shall be subject to all the provisions of an act entitled "an act to regulate the shad and alewive fisheries in the town of Warren," passed March sixth, eighteen hundred and two, which are not inconsistent with the provisions of this act.

Sec. 12. All forfeitures prescribed by this act, exceeding twenty dollars, shall be recoverable by indictment in supreme judicial court, or district court, and all forfeitures, not exceeding twenty dollars, shall be recoverable by complaint in behalf of the state before a justice of the peace for the county of Lincoln. And such justice is hereby empowered, on conviction, to impose penalties to an amount not exceeding the sum of twenty dollars, and in case any person convicted and sentenced by such justice, shall neglect or refuse to pay such penalty with costs of prosecution, the justice by his mittimus, may cause said offender to be committed to the jail of the county there to be detained, till discharged by order of law, reserving however to every
person accused, the right to appeal to the district court, on entering into recognizance as in other cases of appeal from justices of the peace, in criminal suits. Complaints for any of the offenses mentioned in this act, may be made by any fish warden, or deputy warden, or any other person, and all forfeitures and penalties recovered for any such offenses, shall go to the use of the town in which the same was committed.

Sec. 13. Each fish warden, for his services, shall be entitled to the sum of two dollars, for each and every day by him actually employed in any of the duties devolving upon him by virtue of said office, to be paid from the treasury of the town in which he resides. Provided, that said fish warden shall first make oath to the truth and correctness of his account, which shall then be presented to the selectmen for allowance. And each deputy warden, for his services, shall be allowed one dollar, for each and every day by him actually employed in any of the duties devolving upon him by virtue of said office to be paid by the town in which he resides. Provided, that said deputy warden shall first make oath to the truth of his account, which shall be presented to the selectmen or assessors for allowance.

Sec. 14. The mill privileges at Vaughan’s mills, so called, and at Batcheller’s mills, in the town of Union, are exempt from the provisions of this act.

Sec. 15. All acts or parts of acts, inconsistent with this act, are hereby repealed.

(S. L. 1911, Chap. 107.)

AN ACT to prohibit the catching or taking of eels in Saint Georges River, in Warren, in the County of Knox, in any other way or manner than by hook and line or with spears.

Sec. 1. The catching or taking of eels in Saint Georges river, in Warren, in the county of Knox, is here-
by prohibited, except by hook and line or with spears. Sec. 2. Whoever violates any provision of this act shall be subject to a penalty of five dollars and costs for each offense.

(S. L. 1889, Chap. 399.)

AN ACT to authorize the erection of a fish weir in the tide waters of Black Island Gut.

Sec. 1. Authority is hereby given to Samuel Allen, Thomas N. Osier, their associates, successors and assigns, to build and maintain a fish weir into and across the tide waters of Black Island gut, in the town of Friendship, county of Knox.

(S. L. 1903, Chap. 87.)

AN ACT relating to the taking of lobsters within three miles of the islands of Matiniclus and Criehaven, during the months of August and September, in each year.

Sec. 1. No person shall take, catch, kill or destroy any lobster or lobsters within three miles of the islands of Matiniclus and Criehaven, between the first day of August and the first day of October in each and every year.

Sec. 2. Any person violating the provisions of the foregoing section shall be punished by a fine of one dollar for each and every lobster taken, caught, killed or destroyed contrary to the provisions of the foregoing section. Trial justices and judges of police and municipal courts shall have jurisdiction of all offenses under this act.

Sec. 3. This act shall take effect on the first day of August, nineteen hundred and three.
AN ACT regulating the taking of clams in the town of North Haven.

Sec. 1. No clams shall be taken within the limits of the town of North Haven or Vinalhaven by any person not residing in said town where such clams are taken. This section shall not interfere with any law relating to the taking of shell fish for bait by fishermen.

Sec. 2. Whoever shall violate the provisions of section one of this act, shall for each offense, be fined not more than ten dollars, or imprisonment not more than thirty days.

AN ACT to construct fishways and remove obstructions in Ducktrap stream.

Sec. 1. It shall be the duty of the county fish warden, to see that there be constructed good and sufficient fishways through, over or around all dams situated on Ducktrap stream, and its tributaries in the towns of Lincolnville and Belmont at the expense of the owners thereof; provided, however, that the owners of any dam shall have the privilege of paying fifty dollars into the treasury of the town of Lincolnville in lieu of constructing said fishway, and the said town shall then be liable for the construction of the same.

Sec. 2. The owner or owners of any dam or dams on said streams shall keep open said fishways from the tenth day of May until the twentieth day of June annually, and on failure of keeping open said ways he or they shall forfeit and pay for each offense a sum not exceeding one hundred dollars nor less than twenty dollars.
Sec. 3. It shall be lawful for the towns of Lincolnville and Belmont to regulate within their own limits respectively the taking of fish in said stream and its tributaries and make such rules, regulations and by-laws respecting the same as the inhabitants of said town may deem expedient for the preservation and sale of said fish in the streams aforesaid. And the said towns shall have power by their committee to pass over and upon the lands of any person lying upon said streams without being considered trespassers. And any person hindering or molesting said committee or either of them in the discharge of his or their duty as aforesaid or who shall obstruct any passage way in said streams he or they shall forfeit and pay a sum not exceeding twenty dollars nor less than five dollars.

Sec. 4. All fines, forfeitures and penalties which may be incurred by any breach of this act shall be recoverable by action of debt in the name of the inhabitants of either the said towns of Lincolnville or Belmont in which the said fines, forfeitures and penalties were incurred, and the said inhabitants are hereby authorized to sue for and recover the same.

HANCOCK COUNTY.

(S. L. 1821, Chap. 541 amended by S. L. 1828, Chap. 541.)

AN ACT to regulate the fishery of Alewives in the town of Mount Desert.

Sec. 1. Be it enacted, etc., That from and after the passing of this act, no person shall catch any alewives in the brooks of the town of Mount Desert on any other days than Mondays and Thursdays, nor shall any person catch any of said fish in such part of said brooks, as may be more than twenty rods distant from
high water mark, nor in such part of said brooks as may be less than two rods from high water mark; nor shall any person catch any of said fish near the mouths of said brooks within one hundred and twenty rods from and below high water mark, under penalty of twenty dollars for each offense.

Sec. 2. Be it further enacted, That the owners or occupants of such dams as now are or hereafter may be erected across any of the brooks in said town, shall allow sufficient water passage round, through or over such dams for the passage of alewives in the season of their going up or down said brooks, under penalty of fifty dollars for each offense; the sufficiency of such water passage to be determined by the fish wardens of said town, elected at the annual meeting for the choice of town officers.

Sec. 3. Be it further enacted, That it shall be lawful for the town of Mount Desert, in legal town meeting, to sell and dispose of the privilege of taking alewives in the brooks of said town, for any term not exceeding one year, at any one time, to any person or persons, under such restrictions and regulations as said town shall direct, and the profits arising from such sale shall be appropriated to such purposes as the inhabitants of said town shall order. And if any person or persons other than those to whom said town shall have sold said privilege, shall take any of said fish, he or they shall forfeit and pay a sum not exceeding twenty nor less than five dollars; to be recovered and appropriated in the way and manner pointed out in the fourth section of this act.

Sec. 4. Be it further enacted, That all penalties incurred under this act, may be used for and recovered in an action of debt by the treasurer of Mount Desert, for the time being, before any competent tribunal within the county, and all sums so recovered, shall be appropriated to the use of said town.
SEA AND SHORE FISHERIES.

(S. L. 1825, Chap. 307.)

AN ACT to regulate the taking of fish in Brooksville.

Sec. 1. Be it enacted, etc., That Robert Walker, Joseph Walker, John Douglass and Benjamin Walker, or the majority of them, be, and they are hereby authorized to keep open at all times, a suitable passage-way for alewives to pass up and down a certain stream, issuing from Walker's pond, so called, in said Brooksville.

Sec. 2. Be it further enacted, That it shall not be lawful for any person or persons, not authorized by the provisions of this act, to take any alewives in said stream, within the said town of Brooksville: And any person or persons, who shall take any of said fish, contrary to said provisions, shall forfeit a sum not exceeding twenty dollars, nor less than one dollar, to be recovered by an action of debt, before any disinterested justice of the peace, of the county of Hancock, one-half thereof to any inhabitant of said Brooksville, who may prosecute for the same, and the other half to the use of said town.

Sec. 3. Be it further enacted, That the persons named in the first section of this act, and such person or persons, as they or the major part of them, shall in writing appoint, may take alewives in said stream, during the months of May and June annually, at any time between sunrise on Monday and sunrise on Thursday, in each week, and at no other time. And the persons named in the first section aforesaid, are authorized to sell and dispose of the privilege of taking alewives in said stream, for any time, not exceeding one year. And it shall be their duty to manage said privilege to the best advantage for the said town, and to render a just and true account of all monies arising from the sale of said fish, or privilege, in the month of January,
annually, to the selectmen of said town, for the time
being, or to such other person or persons, as the town
may appoint for that purpose, and in default thereof,
they shall be jointly and severally liable to an action
of the case, before any court competent to try the same,
to be instituted by, and in the name of, the treasurer
of said town.

Sec. 4. Be it further enacted, That the town may,
upon the death or resignation of either of the persons
named in the first section of this act, appoint some
suitable person to fill his place. And the proceeds of
the said fishery may be appropriated in such manner
as the town shall direct.

(S. L. 1828, Chap. 530.)

AN ACT to regulate the taking of Alewives in Wins­
low’s stream and Leach’s stream, in the town of
Penobscot.

Sec. 1. Be it enacted, etc., That it shall and may
be lawful for the inhabitants of the said town of Penob­
scot, at their annual meeting, in the month of March
or April, to sell or otherwise dispose of the privilege
of taking the fish called alewives, in Winslow’s stream,
and Leach’s stream, so called, in the town of Penob­
scot; and the emoluments arising from such sale or
disposal, shall be appropriated by said town to such
purposes and uses as the inhabitants thereof shall from
time to time, in legal town meeting determine.

Sec. 2. Be it further enacted, That the days for
taking said fish in said streams, shall be on Monday,
Tuesday, Wednesday and Thursday of each week, and
at no other time.

Sec. 3. Be it further enacted That if any person
or persons, except the purchaser or purchasers, or such
other person as shall be duly authorized by said town
of Penobscot, at their annual meeting in the month
of March, or April, shall take any of said fish in either of said streams, or the ponds from which they take their source, he or they shall forfeit and pay for every fish so unlawfully taken a sum not exceeding ten nor less than four cents: Provided, that if the purchaser or purchasers, aforesaid, or any person or persons employed by them, or any other person shall, at any time, take any of said fish in the tide waters of the northern bay so called, in said town, with weirs, seines, drag or dipnets, he or they shall forfeit and pay the sum of ten cents for each fish so unlawfully taken.

Sec. 4. Be it further enacted, That if the purchasers or managers of said privileges or either of them, lawfully taking said fish as aforesaid, shall when in his or their power neglect or refuse to supply any person, who may apply for the same, being an inhabitant of said town, at the rate of twelve and one-half cents for one hundred of said fish, the purchaser or manager so refusing, shall forfeit and pay for each offense the sum of five dollars; and if any person or persons authorized to take said fish shall ask, demand, or receive more than at the rate aforesaid, for said fish, at the place where said fish are taken, whilst the same are fresh and green, of any person being an inhabitant of the town of Penobscot, he or they so offending shall forfeit and pay for each offense, the sum of five dollars.

Sec. 5. Be it further enacted, That the inhabitants of said town of Penobscot, shall at their annual meeting aforesaid, choose by ballot a committee consisting of three persons, freeholders of the town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this act, whose duty it shall be to open sluices or passageways for said fish to pass or repass through all the dams on either of said streams and to remove all obstructions in the same, which might prevent said fish from ascending and descending said streams; all of which shall be done at the expense of said town.
Sec. 6. Be it further enacted, That there shall be a gate or sluiceway through each and every dam on either of said streams, one foot and a half wide, and one foot and a half high; the bottom of each gate a sluice way to be on the bed of said streams where the water naturally runs.

Sec. 7. Be it further enacted, That the committee aforesaid shall have full power, and it shall be their duty to remove all logs, boards, slabs or other lumber, or whatever else might obstruct the free passage of said alewives through the gates or sluiceways aforesaid; and it shall be the duty of said committee or any two of them to traverse both of the streams aforesaid from the waters of the Northern Bay, so called, to the ponds from which said streams take their departure, once at least in each week, during the time said alewives are ascending said streams, and see that all the gates or sluiceways on both of said streams are open, and that they are kept open at all times from the tenth day of May annually, until the fish are done passing up; and said committee shall again open the gates and sluiceways on said streams, on the twentieth of August in each year, and keep them open till the twentieth of September, annually.

Sec. 8. Be it further enacted, That if any person chosen one of said committee on due notice thereof, shall refuse to accept thereof, and to qualify himself therefor, within seven days after such notice, every person so refusing shall forfeit and pay a fine of five dollars to the use of said town; and the treasurer of said town is hereby authorized and directed, to prosecute and sue for the same; and in case of the refusal of any person so chosen the selectmen for the time being, shall have power, and are hereby directed to proceed to appoint some other person or persons in the room of those who shall refuse as aforesaid; and any person so appointed, who shall refuse as aforesaid,
shall be liable to the same penalty; and if the select-
men shall neglect to proceed as aforesaid, they shall
each of them forfeit and pay a sum of ten dollars; and
no man shall be obliged to serve more than one year
in three.

Sec. 9. Be it further enacted, That if the owners
of mills or mill dams, on either of the streams afore-
said, shall refuse to let the committee chosen by said
town, at their annual meeting aforesaid, open gates
or sluiceways through the several dams on said streams,
or in any way obstruct their operation in removing lum-
ber, logs, or other timber that might prevent the fish
from ascending said streams, or either of them, they
shall each of them forfeit and pay for each day they
shall so offend, a sum not exceeding ten dollars, nor
less than five.

Sec. 10. Be it further enacted, That all penalties
incurred by any breach of this act, except as specified
in the eighth section hereof, shall be recovered by ac-
tion of debt in any court competent to try the same,
in the name of either of said committee, one moiety
thereof to the use of the town, and the other moiety
to the use of the plaintiff who may sue for the same.

Sec. 11. Be it further enacted, That if any minor
or minors shall offend against any part of this act,
and thereby incur any of the penalties aforesaid, the
parents, masters, or guardians of such minor or minors,
shall be answerable therefor, as if it were his or their
personal offense.

Sec. 12. Be it further enacted, That no purchaser
or manager aforesaid, or any person employed by them,
shall be deemed a trespasser in going on the lands and
premises of any person in order to take said fish on
their paying a reasonable compensation therefor, if re-
quired.

Sec. 13. Be it further enacted, That if said com-
mittee shall neglect or refuse to open the gates or
sluiceways aforesaid, as directed in the seventh section of this act, they shall forfeit and pay a fine not exceeding ten nor less than five dollars for each day they may so neglect to open said gates or sluiceways: Provided, that none of said fish shall be taken in said streams or ponds until May, one thousand eight hundred and twenty-nine, under a penalty of ten cents for each alewife so unlawfully taken.

Sec. 14. Be it further enacted, That this act shall be in force from and after the first day of March, one thousand eight hundred and twenty-eight, and all acts or parts of acts, passed previous to the passage of this act, regulating the taking of fish in the Northern Bay, so called, and its appendages, or in either of the streams or ponds aforesaid, be, and the same are hereby repealed.

(S. L. 1887, Chap. 250. Amended by S. L. 1895, Chap. 256; 1897, Chap. 463; 1905, Chap. 218.)

AN ACT for the protection of Alewives in Bagaduce river and Walker's pond.

Sec. 1. The taking of alewives, except by hand, dip net and weirs between Johnson's narrows and the head of Walker's or Gray's pond, so called, is hereby prohibited, under a penalty of ten dollars for each fish so taken or caught in violation of this act. Provided, however, that it shall be lawful to catch alewives with a gill net on the Bagaduce river between Johnson's narrows and a point fifty yards from the fishway at Walker's pond, but there shall be a close time on such fishing on Monday, Wednesday and Friday.

Sec. 2. All penalties under this act, may be recovered on complaint before any trial justice or judge of any municipal court in the county where the offense is committed, one-half to the complainant and one-half to the county of Hancock.
AN ACT to regulate Fishing in the Bagaduce River and the tributaries in the towns of Castine, Penobscot and Brooksville in the county of Hancock.

Sec. 1. No person shall use any weir, seine, trap or any other contrivance in catching, fishing for or taking fish in the Bagaduce river or any of its tributaries, in the towns of Castine, Penobscot and Brooksville in the county of Hancock, except by the use of gill nets, and permanent weirs, with not less than fifty poles, constructed of laths, brush, wire or twine.

Sec. 2. And any person who violates any provision of this act shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars for each offense.

AN ACT to regulate the Alewife Fishery in Franklin.

Sec. 1. Be it enacted, etc., That the town of Franklin, in the county of Hancock, shall at their annual meeting in March or April, for the choice of town officers, choose a committee, not exceeding five, nor less than three, in number, whose duty it shall be, to cause to be kept open, in any river or stream passing through said town, at all places where dams are, or may be erected, for the passage of alewives, good and sufficient sluiceways for the passage of said fish through the same; and said sluiceways shall be under such regulations, as said committee may deem proper, for the interest and benefit of said town, subject however, at all times, to such restrictions or limitations, as said town may, by their votes, in legal meeting, impose; and the committee aforesaid shall be sworn to the faithful discharge of the duties required of them by law.
Sec. 2. Be it further enacted, That said sluiceways shall be kept open for the passage of the fish aforesaid, from the first day of May to the first day of July, and from the twentieth day of August to the last day of September, annually, unless it may appear to the committee aforesaid, during any part of said period, that it may not be necessary that the sluiceways, should be kept open the whole time; in which case it shall be lawful for said committee, to allow the same to be closed at their discretion.

Sec. 3. Be it further enacted, That the said town of Franklin, may at their annual meeting for the choice of town officers, dispose of or cause to be sold or disposed of, in any such manner as they may deem most for their interest, the privilege of taking fish in the streams aforesaid, and may also establish from time to time the price at which said fish shall be sold; and said town may at the meetings aforesaid, determine upon what days, not exceeding four in each week, and within what portion of said days, such fish may be taken, and impose such restrictions as may most effectually conduce to their preservation.

Sec. 4. Be it further enacted, That no person shall be allowed to take any alewives on any other days or times, than what may be allowed under the provisions of this act, by the town of Franklin, or the committee aforesaid, under the penalty, of not less than two dollars, nor more than twelve dollars. And if any person or persons hereafter shall erect any dam on any of the streams aforesaid, without leaving a sufficient sluiceway for the passage of alewives, as provided in the first section of this act, he shall forfeit and pay for the use of the town the sum of fifty dollars to be recovered in any court of competent jurisdiction.

Sec. 5. Be it further enacted, That it shall be the duty of said committee to prosecute for all offenses against the provisions of this act, and shall dispose of
all forfeitures recovered against trespassers in the way
that the town may direct. And said committee shall
in no respect be considered as trespassers in passing
over the lands of individuals in any part of said town,
in execution of the duties of their office; and any person
resisting or opposing said committee or either of them,
in the performance of their duties aforesaid, shall for­
feit and pay, a sum not less than ten dollars, nor more
than twenty dollars; and no person by reason of his be­
ing an inhabitant of said town of Franklin, or one of
the said committee shall be disqualified from being a
witness in any prosecution for offenses under this act.

Sec. 6. Be it further enacted, That the powers grant­
ed by this act, may be enlarged, restrained or annulled
at the pleasure of the legislature.

(S. L. 1833, Chap. 355.)

AN ACT to prevent the destruction of Fish in the
town of Sullivan.

Sec. 1. Be it enacted, etc., That the inhabitants of
the town of Sullivan, shall, at their annual meeting in
March or April, choose a committee, not exceeding five,
or less than three in number, whose duty it shall be,
to cause to be kept open, in any river or stream passing
through said town, at all places where dams are
or may be erected for the passage of alewives, good
and sufficient sluiceways for the passage of said fish
through the same; and said sluiceways shall be under
such regulations as said committee may deem proper,
for the interest of said town, subject, at all times, to
such restrictions and limitations as said town may in
legal meeting impose.

Sec. 2. Be it further enacted, That said sluiceways
shall be kept open for the passage of the fish afore­
said, from the first day of May to the first day of July
annually, and from the twentieth day of August to the
last day of September, annually, unless it may appear to
the said committee, during any part of said period, that
it may not be necessary that the sluiceways should be
kept open the whole time, in which case the commit­
tee may allow the same to be closed at their discre­
tion.

Sec. 3. Be it further enacted, That said town may
at their annual meeting for the choice of town officer's
sell and dispose of the privilege of taking fish in said
town and establish the price at which said fish shall be
sold to the inhabitants of said town or other persons,
and may determine what days, not exceeding four in
each week, and what portions of said days, it shall be
lawful to take fish, and may impose such restrictions
as they may think most conducive to the preservation
of said fish.

Sec. 4. Be it further enacted, That no person shall
be allowed to take any alewives, in any streams or
waters of said town, on any other days or times than
those which may be allowed, under the authority of
this act, by said town, under a penalty of not less than
two dollars nor more than twelve dollars. And if any
person or persons shall erect or maintain any dam on
the Flanders stream in said town, without leaving a
sufficient sluiceway therein for the passage of alewives,
as required in the first section of this act, he shall for­
feit the sum of fifty dollars.

Sec. 5. Be it further enacted, That whenever the
committee aforesaid shall, agreeably to the first sec­
tion of this act, be at any expense in making and keep­
ing open any sluiceway for the passage of said fish
through any dams or other obstruction; it shall be
lawful for said committee to recover said expense of
the owner or occupant of said dam or obstruction, in
an action of assumpsit.

Sec. 6. Be it further enacted, That all penalties aris­
ing under this act shall be recovered by action of debt
to the use of said town of Sullivan.
AN ACT to regulate the taking of Alewives in the stream leading from Gray's pond, in the towns of Sedgwick and Brooksville.

Sec. 1. The county commissioners for the county of Hancock are hereby authorized and required to examine any dams and obstructions on the stream leading from Gray's pond, in the towns of Sedgwick and Brooksville in said county, and to require a suitable fishway to be built and kept open in any of said dams, under such provisions and regulations as are prescribed respecting fishways in the sixty-first chapter of the revised statutes.

Sec. 2. From and after the passage of this act, no person shall be allowed to take any alewives in said stream, with any large net, spear, scoop-net, or in any weir, between sunset on Friday of each week and sunrise on Monday of the next week, under a penalty of twenty-five cents for each and every fish so taken.

Sec. 3. Any forfeiture or penalty incurred under the provisions of this act may be recovered by any person who shall sue therefor, in an action of debt, for his own use and benefit, in any court competent to try the same.

AN ACT granting to the towns of Bucksport and Verona the right to fish with seines along the bridge connecting said towns.

Sec. 1. The towns of Bucksport and Verona, in the county of Hancock, are hereby granted the exclusive right to fish with seines and nets in the thoroughfare of Penobscot river, where the bridge connecting said towns now is; said right to include the space of one
hundred rods above, and one hundred rods below said bridge, and may lease the same upon such terms as the municipal officers of said towns may determine; provided, however, that no lease thereof shall be for a longer term than one year; provided further, that this act may be repealed, altered or amended at the pleasure of the legislature.

(S. L. 1899, Chap. 198.)

AN ACT to prevent the taking of smelts by drag-seines in the waters of the Buck’s Harbor, Orcutt’s Harbor and Lawrence Bay, in the town of Brooksville.

Sec. 1. All persons are hereby prohibited from taking any smelts by drag-seines in the waters of Buck’s Harbor, Orcutt’s Harbor and Lawrence Bay, in the town of Brooksville.

Sec. 2. Whoever shall violate the provisions of this act shall, on conviction of the same, be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for a term of not more than sixty days, and in addition to the said punishment, all boats, seines, and all other articles used in the taking of said fish, and the fish so taken shall be forfeited and disposed of, as provided in section forty-seven of chapter two hundred and eighty-five of the Public Laws of eighteen hundred and ninety-seven.

(S. L. 1899, Chap. 25, as am. by S. L. 1903, Chap. 53; 1907, Chap. 42.)

AN ACT for protection of Fish in Bagaduce river, Bay and Tributaries.

Sec. 1. It shall be unlawful to take or fish for eels in any manner whatever in the Bagaduce river, Bagaduce bay or any of the tributaries of said river or bay
between the fifteenth day of April and the first day of December of each year.

Sec. 2. Whoever violates any of the provisions of section one of this act shall be punished by fine not exceeding ten dollars or by imprisonment not exceeding thirty days or both.

(S. L. 1895, Chap. 84. Amended by S. L. 1901, Chap. 407.)

AN ACT to prevent the destruction of Smelts in the bays, harbors and coves in the town of Surry.

Sec. 1. All persons are hereby prohibited from taking any smelts by means of purse, or by drag seines or weirs, or in any other manner, except by hook and line, in any bay, harbor or cove, in the town of Surry in the county of Hancock, commencing at Weymouth Point and running south southwest course five miles to Newberry Neck, and from Newberry Neck a north and south course two and one-half miles past Jud's island to the Bluehill line.

Sec. 2. Whoever shall violate the provisions of this act shall on conviction of the same before any municipal court or trial justice of said county of Hancock, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, one-half to go to the complainant, or by imprisonment not less than sixty days, and imprisoned in said jail for the same time for non-payment of said fine.

(S. L. 1876, Chap. 203.)

AN ACT to prohibit the taking of Smelts in the waters of Patten's Bay, in the town of Surry, in any other manner than by hook and line.

Sec. 1. No smelts shall be taken in the waters of Patten's bay in the town of Surry, county of Hancock,
between the first day of September and the first day of April, in each year, in any other manner than by hook and line, under the penalty of not more than one hundred dollars, nor less than twenty dollars, for each offense, to be enforced before any court of competent jurisdiction, one-half to the informant and one-half to the state.

(S. L. 1909, Chap. 305.)

AN ACT regulating the taking of Alewives in Patten's Pond Stream in the town of Surry, Hancock County, Maine.

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

Sec. 1. It shall be unlawful for any person to fish for, catch, take, kill or destroy in any manner, any alewives in the waters of Patten's pond stream, in the town of Surry, Hancock county, Maine, for a period of three years from the first day of April, in the year of our Lord nineteen hundred and nine.

Sec. 2. The entire control and authority over the fishways already constructed in said stream, and the right to take alewives therein, is hereby granted to the inhabitants of said town of Surry. Said town, at any legal town meeting, when an article shall be duly inserted in the warrant for that purpose, is hereby authorized and empowered to take such action as shall be necessary to protect said town in the entire right of the alewife fishery in said stream, and for that purpose may authorize the selectmen there chosen, or they may elect a special committee therefor, to have entire control of the alewife fishery in said stream, and said town may raise money to construct and maintain fishways, instead of requiring the owners of dams to do it, as they deem best.

Sec. 3. From and after January first, nineteen hun-
dred and twelve, the selectmen or committee may make such disposition of the right to take alewives in said stream as it is deemed most expedient for said town, and they may designate certain days in each week when alewives may be taken by them, as selectmen, or as a committee, or they may sell the right to take alewives upon certain days in each week to such person or persons as they dee best for the interest of said town. Any person who shall take any alewives contrary to the provisions of this act shall be liable to a fine of not less than ten dollars for each offense, to be recovered by a complaint.

(S. L. 1893, Chap. 495. Amended by S. L. 1901, Chap. 363.)

(See S. L. 1903, Chap. 367, page 4, which regulates the Eastern Penobscot fishery in Orland.)

AN ACT to prevent the destruction of Fish in the Eastern Penobscot River in the town of Orland.

Sec. 1. From and after the passage of this act no person shall be allowed to take any alewives in the Eastern Penobscot river within the town of Orland in the county of Hancock, with any large net, seine, spears, scoop nets, or in any weirs between sunrise on Sunday of each week and sunrise on Monday of each week under a penalty of twenty cents for each and every alewife so taken.

Sec. 2. No person shall be allowed to take any alewives in said river within said town at any time in any of the locks or fish ways on said river or within twenty feet from the mouth of the gates of the lock at the lower falls or within fifty feet of the mouth of the fishway at the upper falls on said river, under a penalty of fifty cents for each and every alewife so taken.
Sec. 3. No person shall be allowed to build or place in or across said river below extreme low water mark or in or across said river above the lower dam, any box or traps, weir or nets, so as to prevent said fish from passing up or down said river under a penalty of twenty-five dollars.

Sec. 4. All nets, seines, craft, boats, barrels, tubs and salt used in the taking or securing fish in violation of the provisions of this act, and all horses, wagons, carts and harnesses used in moving fish taken from the lock at the lower falls or the fishway to the upper falls, and all fish so taken shall be forfeited, and when so used may be seized by the fish committee hereinafter provided for, and proceeded against as in case of forfeiture of personal property.

Sec. 5. The Eastern River and Sluice Company shall be required from the first day of May to the twentieth day of June in each year to keep open at their own expense, the large gates at the lower end, and the small gates at the upper end of said lock so as to afford sufficient water for the fish to pass in at all times when tide waters are in said lock at the lower falls, except when boats, timber, rafts, spars, or other lumber may be passing through said gates, and to cause some suitable person to attend the gates at the lock in order to lock in the fish and enable those which have come into or passed through the lock to go up to the fish way at the upper dam; and in case of neglect or refusal to keep open and attend said gates as aforesaid, said company shall forfeit and pay the sum of ten dollars for each and every day they shall so neglect or refuse to keep open and attend said gates.

Sec. 6. The Eastern River and Sluice Company shall be required from the first day of May to the first day of July in each year, at their own expense, to keep the fish way at the upper dam on said river in repair and running order so as to enable the fish at all times to
pass through into the great pond, so called; and in case of neglect or refusal to keep in repair and running order the said fishway aforesaid, said company shall forfeit and pay the sum of ten dollars for each and every day they shall neglect or refuse to keep in repair or running order said fishway, and in case said Eastern River and Sluice Company and the fish committee hereinafter provided for fail to agree as to what constitutes suitable repairs and running order of said fishway, the point in dispute shall be decided by the state commissioners of fisheries.

Sec. 7. All weirs on said river now built or which shall be built, shall be constructed with a suitable gate, which gate the owner or occupant of said weir shall keep open from sunrise on Sunday of each week until sunrise on Monday of each week, under a penalty of ten dollars, to be forfeited by said owners or occupants for each and every day they shall refuse or neglect so to keep open said gate.

Sec. 8. It shall be the duty of said town of Orland at their annual or March meeting, to choose a fish committee to consist of one or more persons who shall be sworn to the faithful discharge of the duties required of them by this act; and in case said committee are from any cause unable to serve continuously, they are empowered to appoint one or more deputies to serve during the absence of said committee; said deputy to be by the town clerk sworn to the faithful discharge of the duties required of them by this act; and each of said committee shall be entitled to receive not to exceed one dollar and fifty cents per day for the time actually employed for his services and one quarter of all fines collected, to be paid by said town; and if said town shall neglect or refuse to choose said committee, they shall forfeit and pay the sum of thirty dollars for every such neglect or refusal, to be recovered by any person who shall sue therefor in an action of debt, for
his use and benefit in any court competent to try the same.

Sec. 9. It shall be the duty of said fish committee to see that the requirements of this act are complied with, and to prosecute in their own name for the use and benefit of said town, all persons who shall be guilty of violating this act, in an action of debt in any court of competent jurisdiction, and said fish committee shall for any wilful neglect of duty forfeit and pay the sum of thirty dollars, to be recovered by any person who shall sue therefor in an action of debt, for his own use and benefit.

Sec. 10. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 11. No legislation hereafter enacted shall be held to affect this act unless it specifically refers thereto.

(S. L. 1880, Chap. 208.)

AN ACT to prevent the destruction of Smelts and Eels in Salt Pond and its tributaries in the towns of Bluehill, Sedgwick and Brooklin.

Sec. 1. All persons are forbidden to take any smelts in the Salt pond in the towns of Bluehill, Sedgwick and Brooklin, Hancock county, in any other manner than by hook and line.

Sec. 2. All persons are forbidden to take any eels in the stream at Thurston's Mills, on the line between Sedgwick and Brooklin, county of Hancock, in traps or seines, or in any other manner than with spear or gaft, or hook and line.

Sec. 3. Any person violating the provisions of this act shall be punished by a fine not exceeding one dollar for each fish so caught, and forfeiture of all traps and seines so used, to be recovered by complaint before any trial justice in said county, one-half to the use of the complainant, and the other half to the use of the town in which such complaint shall be made.
AN ACT to prevent the destruction of Smelts in the harbors, coves and inlets in the town of Bluehill.

Sec. 1. All persons are hereby prohibited from taking any smelts within one-half mile of the entrance of any harbor, cove or inlet in the town of Bluehill, in the county of Hancock, by means of purse or drag seines or by weirs.

Sec. 2. Whoever shall violate the provisions of this act, shall on conviction of the same before any municipal court or trial justice of said county of Hancock, be punished by a fine not less than ten dollars, nor more than twenty dollars, or imprisonment in the county jail for a term not less than ten days, and imprisoned in said jail for same time for non-payment of said fine.

AN ACT for the protection of Smelts in Bagaduce River and tributaries, in the county of Hancock.

Sec. 1. Whoever takes or catches any smelt or smelts with a net of any kind, or in any other manner than by naturally or artificially baited hooks and hand lines, from Bagaduce river, in the county of Hancock, or any of its tributaries, shall forfeit for each smelt so caught or taken the sum of one dollar.

Sec. 2. The mayor and alderman of any city, the selectmen of any town, and all fish wardens, police officers and constables within the county of Hancock shall cause the provisions of this act to be enforced within their respective towns and cities; and all forfeitures and penalties for violation of the provisions of this act shall be paid, one-half to the person making the complaint, and one-half to the city or town in which the offense is committed. And all boats, nets or implements of any kind, used in taking smelts contrary to
the provisions of this act, shall be deemed forfeit and contraband, and sold upon judgment of the court, and paid over as above, one-half to the complainant, and one-half to the use of the town wherein the offence is committed.

Sec. 3. Any complainant may seize on view, and appropriate to his own use or gift, any fish taken or possessed in violation of this act.

Sec. 4. All penalties imposed under the provisions of this act may be recovered, with cost of suit, by any person or persons in his or their own name, before any municipal or police court, in trial justice, in the county of Hancock, or where the defendant resides, or in the supreme court of the state. On non-payment of the penalty the defendant shall be committed to the common jail of the county for a period of not less than ten days, and at the rate of one day for each dollar of the amount of judgment.

(S. L. 1876, Chap. 225.)

AN ACT authorizing Abraham C. Fernald and others to build and maintain a fish weir in tide waters between Bear Island and Mount Desert.

Sec. 1. Abraham C. Fernald, James Clement, Junior, Charles H. Clement, James Clement, second, and Amos Clement, their associates, successors and assigns, are hereby authorized to construct and maintain a fish weir in the tide waters between Bear Island, in the town of Cranberry Isle, and Mount Desert, providing they do not interfere with or obstruct navigation.

(S. L. 1895, Chap. 100.)

AN ACT to authorize the building of a fish weir at Harbor Island, in the county of Hancock.

Sec. 1. Charles E. Sprague, his associates and assigns, are hereby authorized to build and maintain a
fish weir on the eastern side of Harbor island, in the county of Hancock, and to extend the same twelve hundred feet into tide waters.

(S. L. 1895, Chap. 120.)

AN ACT to authorize the building of a Fish Weir in Sand Cove.

Sec. 1. William Herrick, his associates and assigns, are hereby authorized to build and maintain a fish weir in Sand Cove, so called, on the easterly side of Marshall’s island in the county of Hancock, and to extend the same twelve hundred feet into tide waters.

(S. L. 1895, Chap. 218.)

AN ACT to authorize the building of a fish weir in tide waters between Baker Islands in the county of Hancock.

Sec. 1. William Herrick, his associates and assigns are hereby authorized to build and maintain a fish weir between the Baker Islands, so called, lying southerly of Swan’s Island in the county of Hancock, extending the same twelve hundred feet from Great Baker island into tide waters.

(S. L. 1903, Chap. 214.)

AN ACT to prohibit the use of purse and drag seines in the waters of Sargentville Harbor, known as Billings Cove.

Sec. 1. The use of purse and drag seines is hereby prohibited in the waters of Sargentville harbor, known as Billings cove, under a penalty of not less than five, nor more than fifty dollars.
AN ACT to amend Chapter four hundred and ninety-five of the Private and Special Laws of eighteen hundred and ninety-three, relating to the destruction of fish in the Eastern Penobscot River in the town of Orland.*

Sec. 1. From and after the passage of this act no person unless authorized by the commissioner of sea and shore fisheries shall be allowed to take any alewives in the Eastern Penobscot river in the town of Orland, in the county of Hancock, with any large net, seine, spear, scoop-net, or in any weirs between sunrise on Sunday of each week and sunrise on Monday of each week, under a penalty of twenty cents for each and every alewife so taken.

Sec. 2. No person shall be allowed to take any alewife in said river within said town at any time above a point five hundred yards below the lower dam, under a penalty of fifty cents for each and every alewive so taken.

Sec. 3. Any of the alewives in said river above a point five hundred yards below the lower dam may be taken by the town of Orland on Mondays, Tuesdays and Wednesdays of each week from the first day of May to fifteenth day of July, if the town so votes at its annual meeting, and fish may be taken by the town during the season of nineteen hundred three.

Sec. 4. The selectmen shall appoint a committee of not more than three persons to superintend the taking and disposal of said fish for the year nineteen hundred three. After nineteen hundred three the committee may be chosen or appointed as the town may vote.

Sec. 5. No person shall be allowed to build or place in or across said river below the extreme low-

*S. L. 1893, chap. 495, which this act amends, see page 134.
water mark or in or across said river above a point five hundred yards below the lower dam, any boxes or traps, weirs or nets so as to prevent said fish from passing up or down said river, under a penalty of twenty-five dollars.

Sec. 6. All nets, seines, craft, boats, barrels, tubs and salt used in taking or securing fish in violation of the provisions of this act, and all horses, wagons, carts and harnesses, used in moving fish taken from the lock at the lower falls or the fishway at the upper falls, and all fish so taken shall be forfeited, and when so used may be seized by the fish commissioner or his deputies or wardens and proceeded against as in the case of forfeiture of personal property.

Sec. 7. The Eastern River and Sluice Company shall be required from the first day of May to the fifteenth day of July in each year to keep open, at their own expense, the large gates at the lower end and the small gates at the upper end of said lock so as to afford sufficient water for the fish to pass in at all times when tide waters are in said lock at the lower falls, except when boats, timber, rafts, spars or other lumber may be passing through said gates, and to cause some suitable person to attend the gates at the lock in order to lock in the fish and enable those which have come into or passed through the lock to go up to the fishway at the upper dam, and in case of neglect or refusal to keep open and attend said gates as aforesaid said company shall forfeit and pay the sum of ten dollars for each and every day they shall so neglect or refuse to keep open and attend said gates.

Sec. 8. The Eastern River and Sluice Company shall be required from the first day of May to the fifteenth day of July in each year, at their own expense, to keep the fishway on the upper dam on said river in repair and running order so as to enable the fish at all times to pass through into Great pond, so called, and
in case of neglect or refusal to keep in repair and running order said fishway, the aforesaid company shall forfeit and pay the sum of ten dollars for each and every day they shall neglect or refuse to keep in repair and running order said fishway.

Sec. 9. No person shall catch or kill any young alewives on their way down through said fishways, locks or river under a penalty of ten dollars for each and every offense.

Sec. 10. All weirs on said river now built or that shall be built shall be constructed with a suitable gate which shall be at least eighteen inches wide and shall extend from the top of the pond to the bottom of the floor, which gate the owner or occupant of said weir shall keep open from sunrise on Sunday of each week until sunrise on Monday of each week, under a penalty of ten dollars to be forfeited by said owner or occupant for each and every day they shall refuse or neglect so to keep open said gate. All material used in building weirs shall be removed from said river on or before the first day of October, and if any owner or occupant of a weir shall refuse or neglect to remove said material he shall forfeit and pay the sum of twenty dollars, to be recovered by the commissioner of sea and shore fisheries or his deputies or wardens.

Sec. 11. No weirs shall be built on said Eastern Penobscot river in the town of Orland, during the years nineteen hundred and three, nineteen hundred and four, nineteen hundred and five and nineteen hundred and six.

Sec. 12. No mill waste, slabs, edgings, bark, chips, shavings, sawdust or other waste shall be thrown or put into the Eastern Penobscot river or any of its tributaries in the town of Orland, except under such rules and regulations as the commissioner of sea and shore fisheries may prescribe. Whoever violates any of the provisions of this section shall be punished by a fine
of not less than five dollars nor more than one hundred dollars.

Sec. 13. All fines and penalties recovered under this act shall be paid to the state treasurer to be added to and made a part of the appropriation for sea and shore fisheries.

Sec. 14. This act shall be enforced by the state commissioner of sea and shore fisheries.

Sec. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 16. No legislation hereafter enacted shall be held to affect this act unless it specifically refers thereto.

(S. L. 1905, Chap. 190.)

Sec. 1. William G. Barter of Deer Isle is hereby authorized and empowered to construct and maintain weirs in the tide waters of Penobscot bay near Whitemore's cove, so called, southerly from Stinson's Neck bar and easterly of Eaton's point, so called, in the town of Deer Isle, adjoining the land of said William G. Barter.

(S. L. 1909, Chap. 380.)

AN ACT establishing a close time on Lobsters in the bays of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento.

Sec. 1. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year under a penalty of one dollar for each lobster so taken, caught, killed or destroyed, and five dollars for each lobster trap set, in the waters of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento, within the following points: Commencing at Jordan's island channel in the town of Gouldsboro, thence running southwest by south to the eastern head of Egg Rock, so
Sec. 2. This act shall not prohibit the catching, taking, shipping or otherwise handling lobsters that are caught outside these bounds, or held in cars or pounds.

Sec. 3. All fines and penalties under this act may be recovered as provided in section forty-eight of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven.

(S. L. 1911, Chap. 260.)

AN ACT establishing a close time on Lobsters in the waters of Winter Harbor, in Hancock County.

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

Sec. 1. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year in any of the waters of Winter Harbor in Hancock county inside of a direct line from Schoodic island whistling buoy, thence northwest by west to Egg Rock whistling buoy, and thence northeast by north to Jordan's island bar; and no person shall set a trap within said waters for the purpose of taking, catching, killing or destroying any lobsters between said dates; under a penalty of one dollar ($1.00) for each lobster so taken, caught, killed or destroyed, and under a penalty of five dollars ($5.00) for each lobster trap so set for said purpose.
Sec. 2. All fines and penalties provided for by this act may be recovered as provided by section forty-eight of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven.

WASHINGTON COUNTY.

(S. L. 1833, Chap. 320, amended by S. L. 1859, Chap. 317; 1867, Chap. 186; 1869, Chap. 226.)

AN ACT to prevent the destruction of fish in East Machias waters.

Sec. 1. No person shall be allowed to take any salmon, shad or alewives in the waters of Machias east river by means of a large net, seine, spear or scoop-net, after the fifteenth day of July of each year, under a penalty of twenty dollars for each barrel or less quantity of salmon, fifteen dollars for every barrel or less quantity of shad, and five dollars for every barrel or less quantity of alewives so taken. The penalties imposed by this section may be recovered by an action of debt, one-half to the use of the town wherein the offense shall have been committed, and one-half to the use of the person who shall sue therefor.

Sec. 2. Be it further enacted, That the owner or owners of all weirs and other machines, placed in said waters for the purpose of taking said fish, shall cause the same to be kept open from sunrise on Friday of each week till sunrise on Tuesday of each succeeding week, under a penalty of fifty dollars, for each offense.

Sec. 3. Be it further enacted, That no person shall build or place in said waters any box or trap-weir, nor build or place therein a weir of any kind, higher than a half-tide weir nor shall use any drag, drift, set, or gill nets within two miles of the head of the tide of said river, under a penalty of one hundred dollars.
Sec. 4. Be it further enacted That it shall be the duty of each town and plantation, through which said river passes, at their annual meeting in March or April, to choose three or five suitable persons for a fish committee, who shall be sworn faithfully and impartially to discharge the duties, required of them by this act. And any such town or plantation, neglecting to choose such a committee, shall forfeit a sum not less than fifty nor more than one hundred dollars.

Sec. 5. Be it further enacted, That there shall be a good and sufficient fishway for the passage of salmon, shad and alewives made over or around every dam in or across said river or any of its branches where said fish have usually passed, by the owner or occupant of said dam. And said fishways shall be kept open at all times between the fifteenth day of May and the fifteenth day of July in each year, and at such other times as said committee shall deem necessary for any of said fish to pass up or down said river. And any owner or occupant of such dam, who shall neglect or refuse to make or keep open such fishways as are above required shall forfeit and pay for every such offense the sum of two hundred dollars. And if such owner or occupant shall neglect or refuse to make and keep open such fishways after ten days' notice in writing by any of said committee, the said committee are hereby authorized to build and keep open such fishways, and to recover of said owner or occupant the necessary expenses thereof with interest at the rate of one per cent. per month, by an action of the case. Provided that no person shall be required to make such passage way for salmon in any dam in which there is none at this time before the fifteenth day of May which will be in the year of one thousand eight hundred and thirty-four.

Sec. 6. Be it further enacted, That no person shall erect any eel weir in any part of said river or its
branches, or in any of the lakes, from or through which said river or any of its branches may flow, so as to stop or impede the passage of the young fish in returning down said river, under a penalty of ten dollars.

Sec. 7. Be it further enacted, That all nets, seines, craft, boats, barrels and salt used in taking or securing fish in violation of this act, shall be forfeited, and may be seized by said committee or any one of them, when so used, and said committee shall sell at public auction, within twelve days after said seizure; and all fish so taken shall be forfeited, and sold at public auction by said committee within twelve hours after so taken, one-half of the proceeds of said sale to the use of the town or plantation wherein the offense shall have been committed, and the other half to the use of the person making said seizure and sale.

Sec. 8. Be it further enacted, That no person shall take fish of either the kinds aforesaid, on that side of the centre of said river on which any fishway is or may be established, within ten rods of the entrance of said fishway, under penalty of a sum not less than two nor more than twenty dollars.

Sec. 9. Be it further enacted, That, if any person shall resist such fish committee, or either of them, in the execution of the duties prescribed by this act, he shall forfeit a sum not less than thirty nor more than fifty dollars.

Sec. 10. Be it further enacted, That the inhabitants of every town and plantation, through which said river passes, are empowered, at any legal meeting, by their vote to prohibit all persons, other than inhabitants and residents of the same, from taking any of the fish aforesaid, within the limits of such town or plantation: And any person who shall take any of said fish, contrary to the vote of such town or plantation, shall forfeit a sum not less than two dollars nor more than ten dollars, for each barrel or less quantity of fish by him so taken.
Sec. 11. Be it further enacted, That the inhabitants of every town and plantation through which said river passes, are hereby authorized to dispose of the privilege of taking fish within the limits of such town or plantation, at the annual meeting of said town or plantation, held in March or April, in such way as they shall at said meeting determine. Provided, that no such town or plantation shall permit the taking of fish at any other times, than are permitted in the first section of this act.

Sec. 12. Be it further enacted, That if such fish committee, or either of them, shall neglect or refuse to perform any of the duties, required of them or of him by the provisions of this act, they or either of them, neglecting or refusing as aforesaid, shall forfeit and pay a sum not less than thirty nor more than one hundred dollars.

Sec. 13. Be it further enacted, That if any person, having taken any alewives from said waters, or purchased any so taken, shall permit them to become tainted or offensive to the inhabitants, he shall forfeit and pay the sum of twenty dollars, for every such offense.

Sec. 14. Be it further enacted, That the penalties, imposed by this act, may be recovered by action of debt; one-half to the use of the poor of the town or plantation, wherein the offense shall have been committed, and the other half to the use of the person who shall sue therefor.

Sec. 15. Be it further enacted, That "An Act relating to fish in East Machias waters," passed on the twenty-first day of February one thousand eight hundred and twenty-six, and an act entitled "An Act, additional to An Act relating to fish in East Machias waters," passed the fifteenth day of February one thousand eight hundred and twenty-eight, be and the same hereby are repealed.
AN ACT to regulate the taking of fish in Tunk River.

Sec. 1. That from and after the passing of this act, it shall be lawful for the town of Steuben, at its annual meeting, in the month of March or April, to choose a committee of not more than five, nor less than three persons, who shall be inhabitants of said town, and shall be sworn to the faithful discharge of their duty. And said committee shall cause sufficient ways to be kept open and free for the passage of salmon and alewives up the Tunk river in said town, from sunset on Friday in each week, from the tenth day of May to the tenth day of August, in each year, (unless said town at its annual meeting, shall agree upon a shorter period), until sunrise of the Monday following; and said committee, or either of them, shall have power to remove all obstructions to the convenient passage of such fish up said river, which they may find therein, during the time aforesaid, and in the discharge of the duties required in and by this act, may pass over and upon the lands of any person through or by which said river runs, without being considered trespassers; and any person hindering or molesting said committee, or either of them, in the discharge of his or their duty as aforesaid, or who shall obstruct any such passageway in said river, during the time aforesaid, shall forfeit and pay a sum not exceeding twenty nor less than five dollars.

Sec. 2. Be it further enacted, That a good and sufficient fishway shall be made and maintained by said town through, around or over every mill dam, which now is, or may hereafter be across said river in said town, agreeably to, and under the direction of said committee, and shall be kept open and free from obstructions, at all times specified in the first section of this act, by the owners or occupants of such mill dams; and if any such owner or occupant shall neglect to keep
such fishway open and free from obstruction, as herein required, he shall forfeit and pay a sum, not exceeding one hundred, nor less than twenty dollars, for each neglect or refusal.

Sec. 3. Be it further enacted, That if any person or persons shall, by dip nets, weirs, or any other method, take any of the above mentioned fish, in any of the waters of said river, within said town, between the time of sunsetting on Friday in each week, and sunrising on the following Monday, during the term aforesaid, he or they so offending, shall forfeit and pay three dollars for each salmon so taken, and three dollars for each hundred alewives, and in the same proportion for a greater or less number.

Sec. 4. Be it further enacted, That said town may, at its annual meeting, sell and dispose of the privilege of taking said fish, for a term not exceeding one year, at any one time, to any person or persons, under such regulations and restrictions as said town may direct; and may also establish, from time to time, the price at which said fish shall be sold; and the profits arising from the sale of such privilege shall be appropriated to such purposes as the inhabitants of said town shall order; and if any person or persons, other than those to whom the town shall have sold such privilege, shall take any of said fish, he or they shall forfeit and pay a sum not exceeding twenty, nor less than five dollars.

Sec. 5. Be it further enacted, That if said town shall neglect or refuse to avail itself of the provisions of the fourth section of this act, the owners or occupants, of mill dams on said river, shall make and maintain sufficient fishways, agreeably to the provisions of the second section of this act; and if any such owner or occupant shall refuse or neglect to make and maintain such fishway, to the acceptance of the aforesaid committee, he shall forfeit and pay a sum not exceeding one hundred nor less than twenty dollars, for each
neglect or refusal. And such owner or occupant may, if he choose, in every case make and maintain such fishway at his own expense.

Sec. 6. Be it further enacted, That all fines and forfeitures, incurred for breaches of this act, may be recovered by action of debt, in any court of competent jurisdiction, by any inhabitant of said town, one moiety thereof, to the use of said town, the other moiety to the use of any person who shall sue therefor; Provided, that all prosecutions for breaches of this act shall be commenced within ninety days from the time said offense is alleged to have been committed, and not afterward. And no person, by reason of his being one of said committee, or an inhabitant of said town shall be disqualified as a witness in any such prosecution.

Sec. 7. Be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act, be, and hereby are repealed.

(S. L. 1864, Chap. 364 amended by S. L. 1868, Chap. 578, of 1881, Chap. 90.)

AN ACT authorizing the inhabitants of the towns of Dennysville and Edmonds to take measures for the preservation of Salmon in Denny’s river.

Sec. 1. From and after the passage of this act it shall be lawful for the towns of Dennysville and Edmonds, in the county of Washington, at their annual meeting in March or April meeting, and they are hereby required to choose a committee of three persons in each of said towns, who shall be inhabitants and legal voters in the town in which they are respectively chosen, whose duty it shall be to attend to the preservation of the fish called salmon in Denny’s river, agreeably to the provisions of this act.

Sec. 2. If any person, for the purpose of taking or obstructing the passage of said fish in any part of
said river, or in the tidewater within five miles of the head of the tide in said river, shall use any drift, drag or sweep-net, or shall use any set net, more than forty feet long, or which, with any other artificial obstructions made for the purpose, extending more than forty feet, or which shall be set within two hundred feet of any other net, trap or fish weir, or shall make use of torches or any other artificial light, or shall use any set-net, trap, or fish weir, above the lower bridge in Denny’s river, or use these or any other means, at any season of the year, above the mills in said river, or shall make use of any ways or means whatever for catching, destroying or obstructing said fish, between sunset on Thursday and sunrise on Monday of the following week, or at any time after the first of September in any year; or if he shall, for any other purpose inconsistent with the proper objects of this act, make use of any of the above mentioned means, or any of the modes or times herein prohibited, he shall forfeit the nets, spears, canoes, or other implements used, and shall also forfeit and pay the sum of ten dollars, and two dollars for every salmon caught, or in default of payment, shall be imprisoned in the county jail, not exceeding twenty days, nor less than ten, provided that by none of the provisions of this act shall fly-fishing, so called, be excluded at any place on the river, except after the first of September, neither shall the implements therefor be subject to forfeiture at any time.

Sec. 3. All weirs or fish traps which are or may be erected within the tide waters aforesaid, shall have a good and sufficient gateway for the free passage of said fish at all times of the tide, which shall at all times be kept open from sunset on Thursday to sunrise on Monday of the following week; and any owner or proprietor of such weir or fish trap shall forfeit and pay the fine of ten dollars for each and every tide during which such gateway or passage shall be neglected or
obstructed during the time above mentioned; and in default of payment shall be imprisoned in the county jail not exceeding twenty days nor less than ten.

Sec. 4. All fines incurred for breaches of this act may be recovered by action of debt in any court proper to try the same by said committees or any member thereof, or by any other person, one-half to the use of said committees or any other person or persons who shall prosecute and sue for the same, and the other half to be paid to the treasurers of the towns of Dennysville and Edmonds, in equal proportions for the use of said towns. And it shall be the duty of said committees or either of them, to seize any nets, spears, boats, canoes or other implements which may be in use for taking salmon contrary to the provisions of this act, and to sell them to the highest bidder therefor, after giving public notice of the time and place of sale at least forty-eight hours before such sale; the net proceeds of such sale to be paid to the treasurers of the towns as hereinbefore provided.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(S. L. 1860, Chap. 470 amended by S. L. 1865, Chap. 434.)

AN ACT to prevent the destruction of fish in Chandler’s River.

Sec. 1. From and after the passage of this act, no person shall be allowed to take any salmon, shad or alewives in the waters of Chandler’s river, with any large net, seine, spears or scoop-nets, or in any weir, between sunrise on Friday of each week, and sunrise on Tuesday of each succeeding week, under a penalty of twenty dollars for every barrel or less quantity of salmon, of fifteen dollars for every barrel or less quantity of shad, or five dollars for every barrel or less quantity of alewives, so taken.
Sec. 2. The owner or owners of all weirs and other machines placed in said waters, for the purpose of taking said fish, shall cause the same to be kept open from sunrise on Friday of each week till sunrise on Tuesday of each succeeding week, under a penalty of fifty dollars for each offense.

Sec. 4. It shall be the duty of each town and plantation, through which said river passes, at their annual meeting in March or April, to choose three or five suitable persons for a fish committee, who shall be sworn faithfully and impartially to discharge the duties required of them by this act. And any such town or plantation neglecting to choose such a committee, shall forfeit a sum not less than fifty, nor more than one hundred dollars.

Sec. 5. There shall be a good and sufficient fishway for the passage of salmon, shad and alewives, made over or around every dam in or across said river, or any of its branches, where said fish have usually passed, by the owner or occupant of said dam. And said fishways shall be kept open at all times between the fifteenth day of May and the fifteenth day of July in each year, and at such other times as said committee shall deem necessary for any of said fish to pass up or down said river. And any owner or occupant of such dam, who shall neglect or refuse to make or keep open such fishways as are above required, shall forfeit and pay for every such offense the sum of two hundred dollars. And if such owner or occupant shall neglect or refuse to make and keep open such fishways after ten days’ notice in writing by any of said committee, the said committee are hereby authorized to build and keep open such fishways, and to recover of said owner or occupant the necessary expenses thereof, with interest at the rate of one per cent. per month, by an action of the case; provided, that no person shall be required to make such passageway for salmon in any dam in which there
is none at this time, before the fifteenth day of May, one thousand eight hundred and sixty-one.

Sec. 6. No person shall erect any eel weir in any part of said river or its branches, or in any of the lakes, from or through which said river or any of its branches may flow, so as to stop or impede the passage of the young fish in returning down said river under a penalty of ten dollars.

Sec. 7. All nets, seines, craft, boats, barrels and salt used in taking or securing fish in violation of this act, and all fish so taken shall be forfeited, and may be seized by said committee or any one of them, when so used, and shall be proceeded against as directed in the act prescribing the mode of recovering forfeitures of personal property, liable thereto by law.

Sec. 8. No person shall take fish of either of the kinds aforesaid within four rods of any dam, or within three rods of the entrance of any fishway under penalty of a sum not less than two nor more than twenty dollars.

Sec. 9. If any person shall resist such fish committee, or either of them, in the execution of the duties prescribed by this act, he shall forfeit a sum not less than thirty, nor more than fifty dollars.

Sec. 10. The inhabitants of every town and plantation, through which said river passes, are empowered, at any legal meeting, by their vote, to prohibit all persons other than inhabitants and residents of the same from taking any of the fish aforesaid, within the limits of such town or plantation. Any person, who shall take any of said fish contrary to the vote of such town or plantation, shall forfeit a sum not less than two dollars, nor more than ten dollars for each barrel or less quantity of fish by them so taken.

Sec. 11. The inhabitants of every town and plantation through which said river passes, are hereby authorized to dispose of the privilege of taking fish within
the limits of such town or plantation, at the annual meeting of said town or plantation, held in March or April, in such way as they shall at said meeting determine; provided that no such town or plantation shall permit the taking of fish at any other times than are permitted in the first section of this act.

Sec. 12. If such fish committee or either of them, shall neglect or refuse to perform any of the duties required by the provisions of this act, they or either of them neglecting or refusing as aforesaid, shall forfeit and pay a sum not less than thirty, nor more than one hundred dollars.

Sec. 13. If any person having taken any alewives from said waters, or purchased any so taken, and shall permit them to become tainted and offensive to the inhabitants, he shall forfeit and pay the sum of twenty dollars for every such offense.

Sec. 14. The penalties imposed by this act may be recovered by action of debt, one-half to the use of the poor of the town or plantation wherein the offenses shall have been committed, and the other half to the use of the person who shall sue therefor.

(S. L. 1869, Chap. 200.)

AN ACT empowering the inhabitants of the town of Jonesborough in the county of Washington to protect certain fisheries in Chandler's river in said town.

The inhabitants of the town of Jonesborough, in the county of Washington, are hereby empowered to pass any vote at any legal meeting called therefor for the purpose of the protection of any kind of fish, not now protected by the act approved March twentieth, eighteen hundred and sixty, entitled "An Act to prevent the destruction of fish in Chandler's river;" and to make any regulations for taking the same, and affix any penalty for the taking of the same contrary to such regulations;
said penalty not to exceed the sum of five dollars for every barrel, or less quantity, taken; and the manner provided for the enforcement of such regulations shall be the same as are now provided for the enforcement of said act to prevent the destruction of fish in Chandler's river.

(S. L. 1828, Chap. 503 amended by S. L. 'r874, Chap. 508, of 1876, Chap. 254.)

AN ACT to regulate the taking of fish in the Narraguagus River.

Sec. 1. That the inhabitants of towns and plantations adjoining Narraguagus river, or through which said river runs, be, and they are hereby, respectively empowered, at their annual town or plantation meetings, in the month of March or April, in each year, to choose a committee of not more than five nor less than three persons in each town or plantation, who shall be sworn to the faithful discharge of their duty; and it shall be their duty to cause the necessary fishways in their respective towns and plantations, to be kept open and free for the passage of salmon, shad and alewives up said river, from sunset on Friday till sunrise on Monday, from the tenth day of May to the tenth day of August, in each year; and they shall have power to remove all obstructions which they may find in said river, and to pass over the lands of any person, through or by which said river runs, in the discharge of their duties without being considered trespassers. And any person hindering or molesting said committee, or either of them, in discharge of their or his duty in said office, or who shall obstruct any passageway in said river, during the term aforesaid, he or they so offending, shall forfeit and pay a sum not exceeding twenty dollars nor less than five dollars. And if any town or plantation aforesaid shall neglect to choose said committee, such
town or plantation shall forfeit a sum not less than twenty nor more than fifty dollars, to the use of any individual who may prosecute for the same.

Sec. 2. Be it further enacted, That there shall be a good and sufficient fishway made and completed around, through or over every mill dam across said river and the branches thereof, where said fish were ever known to pass, by the owners or occupants of the mills on said river, which shall be four feet wide and twelve inches deep, and kept open at all times specified in the first section of this act; and if any owner or occupant of such mill or dam, aforesaid, shall neglect or refuse to make and keep open such fishway as herein directed, he shall forfeit and pay the sum of two hundred dollars for each neglect or refusal.

Sec. 3. Be it further enacted, That from and after the passing of this act, if any person or persons shall take said fish in any of the waters of said river, with any large net or seine, or with spears, scoop-nets, or in weirs, except between sunrise on Monday and sunset on Wednesday, during the term aforesaid, he or they shall forfeit and pay a sum not less than five nor more than twenty dollars for every barrel or less quantity of said fish so taken, against the provisions of this act.

Sec. 4. Be it further enacted, That it shall be lawful for said towns and plantations respectively, in legal town meeting, to sell and dispose of the privilege of taking said fish for any term not exceeding one year, at any one time, to any person or persons, under such restrictions and regulations as said towns and plantations shall respectively direct, and the profits arising from such sale shall be appropriated to such purposes as the inhabitants of said towns and plantations shall respectively order. And if any person or persons other than those to whom the towns and plantations shall have sold said privilege, shall take any of said fish, he or they shall forfeit and pay a sum not more than twenty nor less than five dollars.
Sec. 5. Be it further enacted, That all the penalties which may be incurred by any breach of this act, shall be recovered by action on the case before any justice of the peace for the county of Washington, where the penalty does not exceed twenty dollars, and if the penalty exceed that sum, then in any court proper to try the same, by any one of said committee, or by any inhabitant of the town or plantation, wherein the said offense may have been committed, the one-half to the use of said town or plantation, and the other half to the use of the person, who shall prosecute for the same; and no person, by reason of his being one of said committee or an inhabitant of said town or plantation, shall be disqualified from being a witness in any suit or prosecution for any breach of this act: Provided, that all prosecutions for breaches of this act, shall be commenced within sixty days from the time said offense is alleged to have been committed, and not afterward.

Sec. 6. Be it further enacted, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

(S. L. 1881, Chap. 119, as amended by S. L. 1899, Chap. 122; 1905, Chap. 188.)

AN ACT to prohibit the taking of Spawn Herring within certain limits in Milbridge or Narraguagus Bay.

'Sec. 1. The taking of herring or fishing therefor by the use of purse or drag seines or nets from the first day of July to the first day of November, is hereby prohibited in the waters lying within the jurisdiction of the state in Milbridge or Narraguagus bay and other waters above a line drawn from the southern extremity of Petit Menan point to Petit Manan lighthouse thence to Cape Split in the town of Addison, under a penalty upon the master or person in charge of
said seines or nets, or upon the owner or owners of the vessels, steamers or boats engaged in taking said herring, of not less than one hundred dollars, and no more than three hundred dollars, and there shall be a lien upon said vessels, steamers, boats and apparatus used in such unlawful pursuit until said penalty, with costs of prosecution is paid.

Sec. 2. All penalties named in section one may be recovered by indictment or action of debt; one-fourth part of the penalty recovered or imposed shall be for the benefit of the complainant or party prosecuting, and the remaining three-fourths shall be paid into the school fund of the town of Milbridge.

(S. L. 1871, Chap. 660.)

AN ACT to prevent the destruction of fish in Penamaquon river, in the town of Pembroke.

Sec. 1. All persons are forbidden to take the fish known as alewives and salmon from Penamaquon river in Pembroke, in Washington county, for the term of three years from and after the passage of this act.

Sec. 2. If any person shall violate the provisions of this act, he shall pay for each and every violation the sum of ten dollars, to be recovered in an action of debt, one-half to the person who may prosecute and the other half to the use of the town where the offense is committed.

Sec. 3. The said town of Pembroke, at the expiration of the said three years, shall have power to make such regulations in regard to the time and manner, or disposition of the rights of taking fish in said river, as a majority of the legal voters of the town may from time to time determine; and any person who shall be guilty of taking fish from said river in Pembroke in violation of the regulations which said town may so establish, or in any manner contrary to that established by the town, shall be liable to the penalties provided in the second section of this act.
AN ACT for better protection of Shell Fish within the Town of Pembroke, in the County of Washington.

Sec. 1. No person shall take, catch, kill or destroy any scallop or scallops in the waters of Pennamaquan or Cobscook bays, in the town of Pembroke, Washington county, from April first to October first of each year.

Sec. 2. No scallop or scallops shall be taken from the waters of Pennamaquan or Cobscook bays in said town between October first and April first of each year, excepting by the inhabitants of the said town, or any person temporarily resident therein, and no scallop or scallops shall, during said open time, be taken from said waters by said persons except for the immediate use of himself or his family, and not exceeding one-half bushel, including the shells on any one day.

Sec. 3. No person shall at any time, take, catch, kill, or destroy or fish for scallop or scallops in the said waters of Pennamaquan or Cobscook bays, from a power or motor boat.

Sec. 4. Any person who fishes for, or takes, catches, kills or destroys any scallop or scallops contrary to the provisions of this act shall be punished for each offense by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

Trial justices and judges of the municipal courts shall have jurisdiction of all offenses under this act.

AN ACT for the protection of fish in Maguerrawock or Beaver lakes.

Sec. 1. No person shall take or destroy in any of the waters of the Maguerrawock or Beaver lakes or the streams running out of the same into the St. Croix
river in Calais, or in any part of the waters of the St. Croix river within fifty rods of the mouth of the Beaver lake stream at Red Beach in Calais, at low water mark at low course of tides, any salmon, shad, alewives, or any fish now or hereafter introduced into said waters without the consent of the agent of the Red Beach Plaster Company, and of U. S. Treat of Eastport, or their assigns, under a penalty of not less than twenty dollars and forfeiture of boat and fishing apparatus for each offense.

Sec. 2. The penalty for violation of the first section of this act may be recovered by complaint or indictment, and shall belong one-half to the persons complaining of said offense and one-half to the inhabitants of the school district in which said offense is committed, for the benefit of the schools.

(S. L. 1859, Chap. 258.)

AN ACT to protect and encourage the artificial breeding of fish.

Sec. 1. No person shall take or destroy in any of the waters of the Low mill stream, in the town of Robbinston, or in any of the waters of the lakes or ponds emptying into said streams, or in any of the waters of the St. Croix river, within one hundred rods of the mouth of said stream, any salmon, shad, alewives, bass or any other fish hereafter introduced into said waters for the purposes of breeding and propagation, without the consent of the proprietors of the right of fishery in said stream and waters, under a penalty of not less than ten dollars for each offense.

Sec. 2. The penalty for violation of the first section of this act may be recovered by complaint or indictment, and shall belong one-half to the person complaining of said offense, and one-half to the inhabitants of the school district in which said offense is committed, for the benefit of schools.
AN ACT relating to the Herring Fishery in the St. Croix River.

Sec. 1. The driving and seining of herring, in any manner, except the seining of weirs, is hereby prohibited in the Saint Croix river, between the breakwater at Calais and Todd’s Head, at Eastport.

Sec. 2. The penalty for violation of this act, shall be not more than one hundred dollars, nor less than ten dollars, for each offense, to be recovered by indictment or action of debt, one-half to the complainant and one-half to the county in which the action is brought.

(S. L. 1893, Chap. 474.)

AN ACT relating to the protection of Fish in Cobscook or Orange River.

Sec. 1. The entire control and authority over the fishways, and the right and privilege of taking salmon, shad and alewives in the Orange river within the limits of the town of Whiting in the county of Washington, is hereby granted to said town of Whiting; but nothing contained in this act is intended to be in conflict with the fortieth chapter of the Revised Statutes and its amendments.

Sec. 2. Said town at any legal town meeting when an article shall be duly inserted in the warrant for that purpose is hereby authorized and empowered to take all such action as may be necessary to cause proper fishways to be opened, constructed and maintained through the dams on said river, within the limits of said town, and for that purpose may choose committees or authorize the selectmen to cause it to be done, who may act for themselves, or appoint a committee or committees for that purpose. And said town may raise
the necessary amount of money to cause said fishways to be built and maintained instead of requiring the owners of the dams to do it, as they think best.

Sec. 3. The said selectmen or committees in discharge of their duties under this act, are authorized and empowered to pass over the land of any proprietor on said river, or through any mills or building so far as it may be necessary to the proper discharge of their duties and the damages, if any, arising from the exercise of such authority shall be assessed by the county commissioners of Washington county.

Sec. 4. It shall not be lawful for any person to take any salmon, shad or alewives in said river without permission of said town, within two years from the time this act shall take effect and any person so offending shall, on conviction, be punished by a fine of ten dollars for each offense, one-half to the complainant and the other half to said town.

Sec. 5. It shall and may be lawful for said town instead of appointing a committee as aforesaid, to contract with some suitable person or persons, upon proper terms and conditions, to cause the said fishways to be built and maintained, who shall have the same rights, authority and protection as such selectmen or committee would have.

(S. L. 1899, Chap. 104 amended by S. L. 1899, Chap. 188.)

AN ACT to regulate the taking of Herring in the Town of Cutler.

The use of purse or drag seines or set nets in fishing for herring in the waters of the town of Cutler, northerly of a line commencing at the southern extremity of the southern island called Libby island and running easterly from head land to head land to the eastern line of said Cutler, is hereby prohibited under a penalty of
not less than five dollars nor more than twenty-five dollars, and the forfeiture of all nets; provided, that it shall be lawful for one boat only from each vessel so employed and for fishermen who use small boats only to use a net or nets, the total or combined length of which shall not be more than seventy-five yards, and not more than five yards in width, but not more than one such described net or nets shall be used at any one time.

(S. L. 1899, Chap. 172.)

AN ACT establishing a close time on Lobsters in Pigeon Hill Bay in the Towns of Millbridge and Steuben.

Sec. 1. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year, under a penalty of one dollar for each lobster so taken, caught, killed or destroyed, in the waters of Pigeon Hill bay, so called, in the towns of Milbridge and Steuben, within the following points, namely: commencing at Woods Pond Point on the West side of Pigeon Hill bay, thence easterly to the Nubble on Little Bois Bubert island, thence by the shore to the head of Bois Bubert island, thence northerly to Joe Dyer's point, so called, thence by the shore around Long Cove and the Creek, thence to the head of Pigeon Hill bay aforesaid, thence by the shore to the first mentioned bound.

Sec. 2. All fines and penalties under this act may be recovered as provided in section forty-eight of chapter two hundred and eighty-five of the Public Laws of eighteen hundred and ninety-seven.

(See S. L. 1903, Chap. 259, below.)
AN ACT to amend Section one of Chapter one hundred and seventy-two of the Private and Special Laws of eighteen hundred and ninety-nine, relating to Lobster Traps in Pigeon Hill Bay.

Sec. 1. No person shall between the first day of July and the first day of September in each year, set any lobster trap or device for catching lobsters, in the waters of Pigeon Hill bay, so called, under a penalty of ten dollars for every trap or device so set.

All traps or devices so set shall be subject to confiscation by the officer finding the same.

AN ACT to authorize the town of Marshfield to regulate the taking of fish in Middle River.

The town of Marshfield, in the county of Washington, is hereby authorized and empowered in such way and manner as the legal voters thereof, at a legal meeting called for that purpose, shall determine to establish, build and maintain suitable and proper fishways in, through, or over any dam or structure on Middle river, so called, in said town and at such other place on said stream as may be deemed necessary, and to make such rules, regulations and restrictions relating to the taking of alewives and salmon on said stream as said town shall deem necessary.

AN ACT to prevent the destruction of Alewives, in Denny's River.

Sec. 1. It shall be lawful for the towns bordering on Denny's river, in the county of Washington, at their annual town meetings in March or April, to
choose, and they are hereby required to choose a committee of three persons, who shall be legal voters in the town in which they are respectively chosen, whose duty it shall be, to superintend the fishing interest of alewives, and prevent their destruction in said river, agreeably to the provisions of this act.

Sec. 2. The use of any means or implements for taking or destroying of alewives, or obstructing their passage in said river, except between the hours of sunrise on Monday and sunset on the following Thursday of each week, in all that portion of the river below the fishway at Lincoln’s mill, in the town of Dennysville; and between the hours of sunset on Thursday and sunset on Saturday of each week, in that portion of the river between said fishway and the town of Meddybemps; and between the hours of sunset on Monday and sunset on Friday of each week, in the town of Meddybemps, from the first day of January till the first day of August every year, is hereby prohibited.

Sec. 3. For any breach of this act the offender shall pay the sum of ten dollars as forfeit, with one dollar additional, for every one hundred fish caught; or in default of payment, shall be imprisoned in the county jail not less than ten nor more than twenty days.

Sec. 4. All fines incurred for breaches of this act, may be recovered by action of debt in any court proper to try the same, by said committees, or either of them, or any member thereof, or by any other person or persons; one-half to be paid to the person or persons prosecuting, and the other half to be paid to the treasurer of the town to which said committees or persons belong.

Sec. 5. It shall be the duty of said committees, or either of them, to seize any nets or other implements which may be used, contrary to the provisions of this act, and to sell them to the highest bidder therefor, after giving public notice in said towns of the time and place of the sale, at least forty-eight hours before
such sale; the net proceeds of which shall be paid to
the treasurers of said towns, as hereinbefore provided
for payment of fines.

Sec. 6. All acts and parts of acts inconsistent with
the provisions of this act, are hereby repealed.

(S. L. 1901, Chap. 405, as am. by S. L. 1907, Chap. 385.)

AN ACT to regulate the Herring Fisheries in the towns
of Jonesport and Addison.

Sec. 1. The taking of herring, or fishing therefor,
by the use of torch or torches of any kind, purse or
drag seines or nets, except seines or nets used only
for seining pounds or pockets of weirs by owners of
weirs, or their orders, and nets used by fishermen for
the purpose of catching bait only, such bait to be used
for lines, trawls and lobster fishing, but not to be used
for barreling purposes, such nets to be not less than
two and three-eighths inch mesh, from the first day
of April to the first day of December following in each
year, is hereby prohibited in the waters lying in the
jurisdiction of the state in the towns of Jonesport and
Addison inside of a straight line drawn from the
southern extremity of Cape Split in the town of Addi-
son, thence southeasterly in a straight line to the south-
erly end of Crumple island, thence easterly in a straight
line to Moose Peak lighthouse in the town of Jones-
port, thence northeasterly in a straight line to Black
Head, thence northerly in a straight line to the eastern
point of Mark island, thence northeasterly in a straight
line by the point of Little Spruce island, thence south-
easterly in a straight line to the southeastern point of
Great Spruce island, thence southeasterly in a straight
line to the summit of the island called The Brothers,
under a penalty upon the master or persons in charge
of said seines or nets or upon the owner or owners
of the vessels, steamers or boats engaged in taking or
fishing for herring inside of said line, of not less than three hundred dollars, and not more than five hundred dollars for each offense, and there shall be a lien upon said vessel, steamer or boat, or apparatus used in such unlawful fishing until said penalty with costs of prosecution is paid.

Sec. 2. All penalties named in section one of this act may be recovered by indictment or action of debt, one-half of said penalty recovered or imposed shall be for the benefit of the complainant or party prosecuting, and the remaining one-half shall be paid into the school fund of the town within whose limits said unlawful fishing is done.

Sec. 3. All acts or parts of acts, inconsistent with this act, are hereby repealed.

(S. L. 1909, Chap. 379.)

AN ACT to regulate the Herring Fisheries in the town of Roque Bluffs.

Sec. 1. The taking of herring, or fishing therefor, by the use of torch or torches of any kind, purse or drag seines, and all other seines or nets, except seines or nets used only for seining pockets or pounds of weirs, by owners of weirs or their orders, from the first day of April to the first day of December following in each year, is hereby prohibited in the waters lying in the jurisdiction of the state in the town of Roque Bluffs, within the following described line: Beginning in the channel of Chandler's river, on the town line dividing the town of Jonesboro, from Roque Bluffs, and running by the said channel southerly, to a point due west, by compass, from the southern extremity of Little Mark island; thence southeast to a point one mile north of the northeastern point of Halifax island, thence east ten degrees south, passing south of Hickey island, and continuing to the town line of Machiasport,
in the waters of Little Kennebec bay; thence following
the channel or said dividing line northerly, past the
sea-wall point, and Hope island, still following the chan­
el of Little Kennebec bay or river, to the point, where
the town lines of Roque Bluffs and Machias intersect,
at the channel of said river, under a penalty upon the
master or persons in charge of said seines or nets or
upon the owner or owners of the vessels, steamers or
boats engaged in taking or fishing for herring inside
of said line of not more than five hundred dollars, ex­
cept within a distance of one-half mile of any weir,
then the fine shall not be less than fifty dollars.

Sec. 2. All penalties named in section one of this
act may be recovered by indictment or action of debt.

Sec. 3. All acts or parts of acts inconsistent with
this act shall not be construed as to invalidate the pro­
visions of this act.

(S. L. 1901, Chap. 401, as am. by S. L. 1909, Chap. 351.)

AN ACT for the protection of Salmon, Alewives and
smelts in Pleasant River, Washington county.

Sec. 1. No person shall be allowed to take any salm­
on, alewives or smelts in Pleasant river, Washington
county, within five hundred yards of any dam or fish­
way except by hook and line or hand dip net.

Sec. 2. No smelts shall be taken or fished for except
by hook and line between the first day of May and
the first day of October.

Sec. 3. No salmon, alewives or smelts shall be fished
for or taken within fifty feet of any dam or fishway.

Sec. 4. The special law of eighteen hundred and
eighty-seven, chapter two hundred and sixty-four, is
hereby repealed.

Sec. 5. The penalty for the violation of any sec­
tion of this act shall be not less than ten nor more than
thirty dollars and may be recovered by action of debt,
one-half to the use of the county, the other half to the use of the person who shall use therefor.

(S. L. 1901, Chap. 370.)

AN ACT to prohibit the dumping of herring and all fish offal in the waters of Moosabec reach in the town of Jonesport.

Sec. 1. The dumping of herring and all fish offal is hereby prohibited in the waters of Moosabec reach in the town of Jonesport in the county of Washington, under a penalty of not less than ten dollars nor more than fifty dollars.

Sec. 2. All fines or penalties imposed under this act, may be recovered by indictment or action of debt, one-fourth of penalty to party prosecuting, and three-fourths to town school fund.

(S. L. 1867, Chap. 211.)

AN ACT to authorize Sidney R. Smith and others to erect fish weirs in the Carrying Place Cove in Lubec.

Sidney R. Smith, Edward N. Myers, E. Adams Davis and Edward L. Joy, and their successors, are hereby authorized to erect and maintain fish weirs in the waters of the Bay of Fundy, in the Carrying Place Cove in Lubec; provided that no weir or weirs shall be erected within the limits of said cove, except according to the provisions of this act, nor shall any weir or other obstruction to the navigation of said cove be placed within the distance of fifty rods outside of the entrance of said cove, except by the persons named in this act.
WASHINGTON COUNTY.

(S. L. 1870, Chap. 326.)

AN ACT to authorize George W. McLellan to construct and maintain fish weirs and wharves in the tide waters of Herring Cove in the town of Trescott.

Sec. 1. George W. McLellan, his heirs and assigns, are hereby authorized to construct and maintain wharves and fish weirs in front of his land in the tide waters of Herring Cove, in the town of Trescott, within the limits of an extension of the side lines of his land, easterly, one hundred rods from low water mark, in the waters of said cove; provided, that no obstruction shall be made to the usual navigation of the waters of said cove, and that suitable signals shall be erected on said wires, to be not less than ten feet above the tide at high water.

(S. L. 1870, Chap. 341.)

AN ACT giving authority to Oliver Emery and others of Eastport, to build wharves and fish weirs below low water mark in said town.

Sec. 1. Oliver Emery, Frederick A. Emery and Ivory T. Emory, their successors and assigns, are hereby authorized to construct and maintain wharves and fish weirs in Johnson’s cove, in the town of Eastport, below low water mark in the waters of said cove, in front of their own land, within the limits of an extension of the side lines of their land; provided, that no weirs shall be erected in said waters that shall interfere with regular navigation, and that suitable signals shall be placed thereon, to be not less than ten feet above the tide at high water.
AN ACT authorizing Eliza Morton or her heirs to construct a fish weir in Johnson Bay, Lubec.

Sec. 1. Eliza Morton, her heirs and assigns, are hereby authorized to construct and maintain a fish weir in front of her own land lying on Johnson Bay in the town of Lubec, extending not farther than one hundred rods from high water mark.

AN ACT authorizing Mathew Cleland to erect and maintain wharves and fish weirs in front of his land in Robbinston, Maine.

Sec. 1. Mathew Cleland, his heirs and assigns, are hereby authorized to erect and maintain wharves and fish weirs below low water mark, in tide waters, at Mill Cove and Passamaquoddy or St. Andrew's Bay, in front of his land in Robbinston; provided, the wharves and fish weirs so erected shall not obstruct or interfere with navigation.

AN ACT to authorize the construction of a weir, in tide waters, on Sheep's Cove Ledge, in Pennamaquon River, in Pembroke, county of Washington.

Sec. 1. Thomas Wilbur of Pembroke, in the county of Washington, or whoever may be the owner of what is known as Sheep's Cove Ledge, in tide waters in Pennamaquon river, in the town of Pembroke, is hereby authorized to build and maintain a weir for fishing purposes on said ledge; providing the same does not interfere with navigation or the rights of shore owners.
(S. L. 1903, Chap. 251, as am. by S. L. 1911, Chap. 161.)

AN ACT to prevent the destruction of Smelts in the waters of towns of Lubec and Trescott in the County of Washington.

All persons are hereby prohibited from taking smelts in the waters of the towns of Lubec and Trescott in the county of Washington by means of purse or drag seines. Smelts shall not be taken in any manner in the waters of the towns aforesaid between the first day of March and the first day of September in each year. No weir for the catching of smelts in said towns shall be constructed with less than two feet of water at extreme low tide.

Sec. 2. Whoever shall violate the provisions of this act, shall on conviction of the same before any municipal court or trial justice of said county of Washington, be punished by a fine not less than ten dollars, nor more than twenty dollars, or by imprisonment in the county jail, for a term of not less than ten days, and imprisonment in said jail for same time, for non-payment of fine.

(S. L. 1903, Chap. 347.)

AN ACT to prohibit the dumping of herring and all fish offal in the waters of Jonesport and Addison.

Sec. 1. The dumping of herring and all fish offal is hereby prohibited in the waters adjacent to the towns of Jonesport and Addison, in the county of Washington, under a penalty of not less than ten nor more than fifty dollars for each offense.

Sec. 2. All fines or penalties imposed under this act may be recovered by indictment or action of debt, one-fourth of the penalty to party prosecuting and three-fourths to town school fund in the town where the offense may be committed.
Sec. 3. This act shall take effect August first, nineteen hundred and three.

(S. L. 1876, Chap. 202.)

AN ACT authorizing Thomas Cleland to erect and maintain wharves and fish weirs in front of his land in Mill Cove and Passamaquoddy or St. Andrew's Bay in Robbinston, Maine.

Sec. 1. Thomas Cleland, his heirs and assigns, are hereby authorized to erect and maintain wharves and fish weirs in Mill Cove and Passamaquoddy or St. Andrew's bay, below low water mark, in front of his land in Robbinston, Maine; provided these wharves and fish weirs shall not obstruct nor interfere with navigation.

(S. L. 1907, Chap. 357, as am. by S. L. 1909, Chap. 389.)

AN ACT establishing a close time on Lobsters in the bays of the Towns of Harrington, Milbridge, Steuben and Gouldsboro.

Sec. 1. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year under a penalty of one dollar for each lobster so taken, caught, killed or destroyed, and five dollars for each lobster trap set in the waters of the towns of Harrington, Milbridge, Steuben and Gouldsboro within the following points: Commencing on the eastern town line of the town of Harrington at the shore running easterly to the spindle on Norton's island ledge, thence westerly to the northern shore of Flint island, thence westerly on a straight line to Seal cove head on the south side of Seal cove and eastern side of Boisbuburt island, thence northerly by the shore of Boisbuburt island to a line described in the special laws of eighteen hundred and ninety-nine, chapter one hundred and seventy-two, thence
northerly on that line to Joe Dyer's point, so called, thence by the shores of Milbridge and Harrington to the place of beginning; also beginning at Bear cove on the western side of Petit Manan point, so called, thence westerly on a straight line to the center of Little Black ledge in the town of Gouldsboro, thence southwesterly on a straight line to the whistle buoy off Schoodic island point, thence northwesterly on a straight line to the southerly point of Big Moose island, so called, a part of Schoodic peninsula, in the town of Winter Harbor, thence northerly by the shore of Schoodic point and by the shores of the towns of Winter Harbor, Gouldsboro and Steuben to the place of beginning.

Sec. 2. This act shall not prohibit the catching, taking, shipping, or otherwise handling lobsters that are caught outside these bounds or held in cars or pounds.

Sec. 3. All fines and penalties under this act may be recovered as provided in section forty-eight of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven.

(S. L. 1909, Chap. 42.)

AN ACT to authorize the construction of a Weir in tide waters of the Saint Croix river in the town of Robbinston.

Sec. 1. Howard F. Fisher of Robbinston in the county of Washington, is hereby authorized to build and maintain a weir for fishing purposes in tide waters in front of land of Esther Vose of said Robbinston; providing that the owner of said land shall assent thereto and that said weir does not interfere with navigation or the rights of shore owners.

Sec. 2. The above mentioned weir shall be located at least one thousand feet from the body of any weir now located in said waters.
AN ACT prohibiting the building of Smelt Traps in the waters of Harrington River, Washington County.

Sec. 1. That the building of smelt traps in the waters of Harrington river, Washington county, or fishing in any other way in said river for smelts except by using the regular seine or smelt net without wings is unlawful.

Sec. 2. Whoever violates any of the provisions of this act shall be subject to a penalty of not less than twenty dollars nor more than forty dollars and costs for each offense.
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