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Fish and Game Laws of the State of Maine, 1893

Commissioners of Fish and Game

Commissioner of Sea and Shore Fisheries

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Fish and Game Laws

OF THE

STATE OF MAINE.

1893.

Please Report any Violation of these Laws to the Commissioners of Fisheries and Game.

T. H. WENTWORTH, Bangor,
HENRY O. STANLEY, Dixfield,
Commissioners of Fish and Game.

E. W. GOULD, Searsport,
Commissioner of Sea and Shore Fisheries.

AUGUSTA:
BURLEIGH & FLYNT, STATE PRINTERS.
1893.
GAME.

An Act to Regulate the Method of Obtaining Private and Special Legislation for Fish and Game.

SECTION 1. Whoever petitions the legislature, or whoever shall introduce any bill, act or resolve for private and 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 required, and such notice shall be absolutely required before any such legislation shall be enacted. Provided, however, that the provisions of this act 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 the general laws of the state.

SECT. 2. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state, shall for the purposes of this act be deemed private and special.

BOUNTY ON WOLVES AND BEARS.

SECT. 5. A bounty of five dollars for every wolf and bear killed in any town shall be paid by the treasurer thereof to the person killing it, upon
compliance with the following conditions:

Sect. 6. No bounty shall be paid unless the claimant, within ten days after he has killed such animal, or has returned from the hunting in which he killed it, exhibits to the town treasurer the entire skin thereof, with the ears and nose thereon, in as perfect a state as when killed, except natural decay, and signs and makes oath to a certificate, which oath said treasurer may administer, in which he shall state that he killed such animal, and the time and place, showing it to be within the State; and the treasurer shall thereupon cut off the whole of the ears and of the nose from such skin, and entirely destroy them by burning; then he shall pay the bounty and take the claimant's receipt therefor upon the same paper with such certificate. The town treasurer shall immediately make upon the same paper a certificate under oath addressed to the Treasurer of State, that he first cut off the ears and nose from the skin of such animal and destroyed them by burning, and then paid said bounty to the claimant.

AN ACT TO ESTABLISH A BOUNTY ON SEALS.

Sect. 1. A bounty of fifty cents for each and every seal killed in the waters of Penobscot river and bay shall be paid by the treasurer of the town in which such seal is killed to the person exhibiting to said treasurer the nose of such seal within thirty days after said seal was killed; such treasurer shall destroy it and shall then proceed as in sections six and seven of chapter thirty of the revised statutes.

Sect. 2. All acts forbidding the destruction of seals in any waters of this state or inconsistent
with the provisions hereof are hereby repealed; provided, however, that it shall be unlawful to destroy said seal in the waters of Casco bay by shooting with a rifle or other long range weapon, which might endanger human life in the neighborhood; and provided further that the carcasses of such seals when destroyed in Casco bay shall not be left derelict in the waters of said bay, but shall be removed from bay waters and properly disposed of by the person destroying them under a penalty for a violation of either of the foregoing provisions relating to Casco bay, or fifty dollars, to be recovered upon complaint or indictment before any court having jurisdiction in such offences.

MOOSE, DEER AND CARIBOU.

Whoever, in any manner or at any time within six years of the approval of this act, shall hunt, chase, catch, kill or destroy any deer within the counties of Cumberland, Lincoln, Knox, Waldo or York, forfeits forty dollars for each deer so hunted, chased, killed or destroyed.

All the provisions of chapter thirty of the revised statutes relating to deer, not inconsistent with this act are hereby made a part of this act.

REVISED STATUTES--CHAPTER 30.

Sect. 9. Whoever hunts, catches, kills or destroys with dogs any moose, forfeits one hundred dollars for every moose, so hunted, caught, killed, or destroyed; and no person shall, between the first days of January and October, in any manner hunt, catch, kill, destroy, or have in possession any, moose or part thereof, taken in close time, under the same penalty.
SECT. 10. Whoever hunts, catches, kills or destroys with dogs any deer or caribou, forfeits forty dollars for every deer or caribou so hunted, caught, killed or destroyed; and no person shall, between the first days of January and October, in any manner hunt, catch, kill, destroy or have in possession any deer or caribou, or part thereof, taken in close time, under the same penalty. Any person may lawfully kill any dog found hunting moose, deer or caribou, or kept or used for that purpose. Any person owning or having in possession any dog for the purpose of hunting moose, deer or caribou, or that is kept or used for such hunting, forfeits not less than twenty nor more than one hundred dollars for each dog so owned, kept, used or in possession.

SECT. 11. Whoever has in possession any such animal or part thereof, between the first days of January and October, shall be deemed to have hunted, caught or killed the same contrary to law, and be liable to the penalties aforesaid; but he shall not be precluded from producing proof in his defence that such animal was hunted, caught or killed in open time. Any officer authorized to enforce the fish and game laws, may search for such animal, or part thereof, subject to sections twelve, thirteen and fourteen of chapter one hundred and thirty-two; and the warrant may be issued on his own complaint.

NO PERSON ALLOWED TO DESTROY, OR HAVE IN POSSESSION, MORE THAN ONE MOOSE, TWO CARIBOU AND THREE DEER.

SECT. 12. No person shall take, kill, destroy or have in possession between the first days of
October and January more than one moose, two caribou and three deer, under a penalty of one hundred dollars for every moose, and forty dollars for every caribou or deer, or parts thereof, so taken, killed, destroyed or in possession in excess of said number. Whoever has in possession, except alive more than the aforesaid number of moose, caribou or deer or parts thereof, shall be deemed to have killed or destroyed them in violation of law. But nothing in this section shall prevent any market man or provision dealer, having an established place of business in this state, from purchasing and having in possession at his said place of business, not exceeding one moose, two caribou and three deer lawfully caught, killed or destroyed, or any part thereof, at one time, and selling the same at retail in open season to his local customers.

AN ACT FOR THE PROTECTION OF DEER ON THE ISLAND OF MT. DESERT.

All persons are hereby prohibited from hunting or killing any deer on Mount Desert Island for the space of two years from April 29, 1893. Same penalties as under general law.

TRANSPORTATION.

Sect. 13. No person or corporation shall carry or transport from place to place any moose, caribou or deer or part thereof in close time, nor in open time unless open to view, tagged and plainly labeled with the name of the owner thereof, and accompanied by him, under a penalty of forty dollars; and any person, not the actual owner of such game or part thereof, who, to aid another in such transportation falsely represents himself to
be the owner, shall be liable to the penalties
aforesaid.

GAME OR FISH SEIZED MAY BE RETURNED
WHEN BOND IS GIVEN.

Sect. 14. Any person whose game or fish has
been seized for violation of any game or fish law,
shall have it returned to him on giving to the offi­
cer a bond with sufficient sureties, residents of the
state, in double the amount of the fine for such
violation, conditioned, that if convicted of such
violation he will, within thirty days thereafter,
pay such fine and costs. If he neglects or refuses
to give such bond and take the game or fish so
seized, he shall have no action against the officer
for such seizure, or for the loss of the game or fish
seized.

SEIZURE AND FORFEITURE.

Sect. 15. All game hunted, caught, killed, des­
troyed, bought, carried, transported or found in
possession of any person or corporation, in viola­
tion of the provisions of this chapter and amend­
ments thereto, shall be liable to seizure; and in
case of conviction for such violation, shall be for­
feited to the prosecutor, who may sell the same
for consumption in this state.

JURISDICTION.

Sect. 1. In all prosecutions under chapter
thirty, Revised Statutes of the State of Maine, of
one thousand eight hundred and eighty-three,
relating to moose, deer, caribou, and other wild
game, and of chapter forty, relating to fish and
fisheries and all the acts amendatory of said chap­
ters, municipal and police judges, and trial jus-
ties within their counties have, by complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.

In all hearings before municipal or police courts or trial justices, the respondent may plead not guilty and waive a hearing, whereupon the same proceedings shall be had as to sentence and appeal as if there had been a full hearing. (See following Section.)

ENFORCEMENT; HOW AND BY WHOM.

Sect. 16. Any officer authorized to enforce the fish and game laws may, without process, arrest any violator of any of said laws; and he shall with reasonable diligence, cause him to be taken before any neighboring trial justice in any county, for a warrant and trial; and jurisdiction in such cases in this and section eighteen hereof, is hereby granted to all trial justices and all other courts to be exercised in the same way and manner as if the offence had been committed in that county. And any officer who shall maliciously, or without probable cause abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars or imprisonment not exceeding three months.

GAME COMMISSIONERS AND WARDENS, AND THEIR DUTIES.

Sheriffs, Police Officers and Constables To Act as Game Wardens.

Sect. 17. Sheriffs, deputy sheriffs, police officers and constables, are vested with the powers of game wardens and their deputies, and shall receive for their services the same fees.
PENALTIES: HOW RECOVERED.

SECT. 18. Officers authorized to enforce the fish and game laws and all other persons, may recover the penalties for the violation thereof in an action on the case in their own names or by complaint or indictment in the name of the state, and such prosecution may be commenced in any county in which the offender may be found, or in any neighboring county.

An Act for the protection of Beaver for a period of four years.

SECT. 1. No person shall take, catch, kill or destroy any beaver, in any manner whatever, for a period of four years from the date of the approval of this act. Any person who violates the provisions of this act shall be punished by a fine of twenty-five dollars and costs, for each beaver so taken, caught, killed or destroyed, and shall be committed to jail until such fine and costs have been fully paid. Any person who has in his possession, during said period of four years, the undressed hide or carcass of any such animal, or any part thereof, shall be deemed a violator of the provisions of this act, and shall be punished as herein provided; but he shall not be precluded from producing evidence in defense.

SECT. 2. One-half of the fines recovered for violation of the provisions of this act shall be paid to the complainant, and the other half shall be paid to the county where the offence is committed.

SECT. 3. Trial justices, municipal and police courts, shall have jurisdiction of all offences committed in violation of the provisions of this act, and, upon complaint, may issue warrants for
the arrest of persons violating the provisions of this act, and punish such persons as herein pro-
vided.

Sect. 4. All acts and part of acts inconsistent with this act are hereby repealed.

Approved March 21, 1893.

MINK, SABLE, OTTER, FISHER, MUSKRAT AND BIRDS.

Sect. 20. Whoever between the first day of May and the fifteenth day of October, destroys any mink, sable, otter, fisher, or whoever destroys any muskrat between the twentieth day of May and the first day of March, forfeits ten dollars for each animal so destroyed, to be recovered on com-
plaint.

Sect. 21. Whoever kills or has in his posses-
sion, except alive, or exposes for sale, any wood duck, dusky duck, commonly called black duck, teal or grey duck, between the first days of May and September, or kills, sells or has in his posses-
sion, except alive, any ruffed grouse, commonly called partridge, or woodcock, between the first days of December and September following; or kills, sells or has in his possession, except alive, any quail between the first day of December and the first day of October following, or pinnated grouse, commonly called prairie chicken, between the first days of January and September, or plover between the first days of May and August, forfeits not less than five nor more than ten dollars, for each bird so killed, had in possession, or exposed for sale. And no person shall at any one time, kill, expose for sale, or have in possession, except alive, more than thirty of each variety of birds above named, during the respective open seasons,
nor shall any person at any time kill, expose for sale, or have in possession, except alive, any of the above named varieties of birds except for consumption within this state, under a penalty of five dollars for each bird so unlawfully killed, exposed for sale or in possession; nor shall any person or corporation carry or transport from place to place in open season any of the above mentioned birds unless open to view, tagged and plainly labeled with the owner’s name, and accompanied by him, under the same penalty; any person, not the actual owner of such birds, who, to aid another in such transportation falsely represents himself to be the owner thereof, shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of birds above named, as the property of one man under the same penalty; nothing in this section shall prevent any market man or provision dealer having an established place of business in this state, from purchasing at his place of business, any bird lawfully caught, killed or destroyed, or any part thereof, and selling the same in open season at retail to his local customers.

Sect. 22. Whoever, at any time or in any place, with any trap, net, snare, device or contrivance, other than the usual method of sporting with fire-arms, takes wild duck of any variety, quail, grouse, partridge or woodcock, forfeits five dollars for each bird so taken.

Sect. 23. Whoever, kills or has in his possession, except alive, any birds commonly known as larks, robins, swallows, sparrows, or orioles, or other insectivorous birds, crows, English spar-
rows, and hawks excepted, forfeits not less than one dollar, nor more than five dollars, for each such bird killed, and the possession by any person of such dead bird, is prima facie evidence that he killed such bird.

Sect. 24. Whoever at any time wantonly takes or destroys the nest, eggs, or unfledged young of any wild bird, except crows, hawks and owls, or takes any eggs or young from such nests, except for the purpose of preserving the same as specimens, or rearing said young alive, forfeits not less than one dollar nor more than ten dollars for each nest, egg, or young so taken or destroyed.

TRANSPORTATION.

Sect. 25. Whoever carries or transports from place to place, any of the birds named herein, during the period in which the killing of such bird is prohibited, forfeits five dollars for each bird so carried or transported.

DISPOSAL OF FINES, PENALTIES AND COSTS COLLECTED.

Sect. 26. All fines, penalties and costs collected on complaint or indictment for the violation of any fish or game law shall be paid to the court rendering final judgment thereon, and by such court to the treasurer of the county in which said court is held; and all fines and penalties recovered in actions of debt for the violation of any such law, shall be paid forthwith to such treasurer. And all such fines and penalties shall be forthwith paid by such treasurer into the state treasury, there to be credited as additional to the funds appropriated by the state to inland fisheries and game and sea-shore fisheries respectively, accor-
ding to the special department under which they are received, the same to be used by the commissioners of fisheries and game respectively, in the enforcement of the fish and game laws. In all actions of debt therefor in any court, if the plaintiff prevails he shall recover full costs without regard to the amount recovered. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, either on complaint or indictment as aforesaid, or if by action of debt, and neglects for more than sixty days to pay the same into such county treasury, shall be punished by fine not less than forty nor more than one hundred dollars for the first offence, and for every subsequent offence, by such fine, and imprisonment not exceeding six months.

SECT. 27. Sunday is a close time, on which it is not lawful to hunt, kill or destroy game or birds of any kind, under the penalties imposed therefor during other close times; but the penalties already imposed for violation of the Sunday laws are not repealed or diminished.

TAXIDERMIST.

An Act to authorize the taking of birds and their nests and eggs for scientific purposes

SECT. 1. Upon the request and recommendation of the Fish and Game Commissioners, the Governor, with the advice and consent of the Council may commission persons to take, kill, capture and have in possession any species of bird other than domestic, and the nests and eggs thereof for scientific purposes; but the number of commissions in force shall not exceed ten at any time.
SECT. 2. No person to whom such commission may be granted, shall sell, offer for sale, or take any compensation for specimens of birds, nests or eggs, nor dispose of the same by gift or otherwise, to be taken from the State, except by exchange of specimens for scientific purposes; and for any violation of any of the provisions of this section, such person shall be subject to a fine of not less than ten nor more than fifty dollars, to be recovered by complaint before any trial justice or municipal judge.

SECT. 3. This act shall not authorize the taking, capturing or killing any bird, or taking the nests or eggs thereof, on Sunday.

FISH.

Revised Statutes Chapter 40.

FISH AND GAME COMMISSIONERS AND WARDENS.

SECT. 33. The governor with the advice and consent of council shall appoint one or two persons, as they think best, to be Commissioners of Fisheries and Game, who shall have a general supervision of the fisheries, regulated by the following sections and of the game laws. Said commissioners shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fishways and the location, form and capacity thereof; visit those sections where fisheries regulated by this chapter are carried on, and introduce and disseminate valuable
species of fish into waters where they do not exist. The governor, with the advice and consent of council, shall also appoint one other commissioner, who shall have general supervision of the sea and shore fisheries, and shell fish regulated by this chapter. Said Commissioners shall hold office for three years unless sooner removed. They shall examine into the workings of the fish and game laws, see that violations thereof are duly prosecuted, and perform all other duties prescribed by law.

They shall report annually on or before the thirty-first day of December to the governor, who shall cause three thousand copies to be printed.

SECT. 40. The governor, with advice and consent of council, upon the written request of at least a majority of the three commissioners appointed under section thirty-three of this chapter, may appoint wardens, who shall enforce all laws relating to game and the fisheries, arrest all violators thereof, and prosecute all offences against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs and their deputies to require aid in executing the duties of their office, and whoever refuses or neglects to render such aid when required, forfeits ten dollars, to be recovered upon complaint. Fish wardens shall hold office for three years unless sooner removed.

POWERS AND DUTIES OF COMMISSIONERS AND WARDENS.

SECT. 28. The powers and duties of the commissioners of fisheries and wardens, extend to all
matters pertaining to game and they have the same powers to enforce laws pertaining thereto as they have in enforcing the laws relating to the fisheries. (See page 21, Sec. 33.)

**FISHWAYS AND DAMS.**

**SECT. 31.** The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives or land-locked salmon, shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of fisheries, by written notice to some owner or occupant specifying the location, form and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; provided, however, that in case of disagreement between the commissioners of fisheries and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located within twenty days after notice of the determination, to the fishery commissioners by giving to the fishery commissioners notice in writing of such appeal within that time, stating therein the reasons therefor, and at the request of the appellant or the fishery commissioners, the senior commissioners in office of any two adjoining counties shall be associated with them,
who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the fishery commissioners are affirmed, the appellants shall be liable for the costs arising after the appeal, otherwise they shall be paid by the county.

Sect. 35. If a fishway thus required is not completed to the satisfaction of the fishery commissioners within the time specified, every owner or occupant forfeits not more than one hundred nor less than twenty dollars for every day of such neglect between the first days of May and November.

Sect. 36. On the completion of a fishway to the satisfaction of said commissioners, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy thereof shall be served on the owner or occupant of the dam. The commissioners may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith is not less than twenty nor more than one hundred dollars for every day of such neglect.

Sect. 37. Whenever the commissioners find a fishway out of repair or needing alterations they may, as in case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases, and the penalty
for neglect, shall be as provided in the three preceding sections, without appeal.

SECT. 38. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses.

SECT. 39. If the owner or occupant of such dam resides out of the State, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioners of fisheries or of any fish warden who shall give to such owner or occupant, and all persons interested therein, such notice as the court or any justice thereof in vacation, orders, and the court may render judgment therein against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject however to all said requirements for the erection and maintenance or repair of said fishway.

SECT. 29. The following sections apply to all fresh waters above the flow of the tide and to all tidal waters frequented by the various species of fresh water and migratory fishes except the capture of shad and alewives in Denny's river and its tributaries, and Pemmaquand river and its tributaries, or in the Schoodic lakes and their tributaries, or to the taking of white fish in the Schoodic lakes
and their tributaries during the months of May and November, and except as provided in the two following sections.

Sect. 30. This chapter does not apply to fish taken in the weirs on Saint Croix river, and does not repeal the laws relating to the Saint Croix, Denny, Pemnaquam, Cobscook, East Machias, and Narraguagus rivers; nor does it apply to the taking of blue-back trout; except that no person shall fish for, catch, take, kill or destroy the same, with net, seine, weir or trap, under a penalty of five dollars for the attempt and one dollar for each blue-back trout so taken, caught, killed or destroyed, to be recovered by complaint.

'Sect. 31. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners, that is to say, Royall’s 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 Damariscotta mills, all waters in Vinalhaven, Bluehill, Tremont, Mount Desert, Eden, Franklin and Sullivan, Tunk river in Steuben, Pleasant river in Washington county, East Machias river and the Eastern Penobscot river in Orland.'

An Act relating to the use of purse and drag seines in the State waters.

Sect. 1. It shall be unlawful to use any purse or drag seines in the following waters, but in no others.

Sect. 2. 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.

Sect. 3. In the Kennebec river above a line drawn across said river at Fort Popham in the town of Phippsburg to a point opposite at the lower end of Long island in the town of Georgetown.

Sect. 4. In the Sheepscot river above a bridge leading from Wiscasset to Edgecomb.

Sect. 5. In the Damariscotta river above a line drawn from Farnham’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 Merrill’s ledges, for all fish excepting alewives.

Sect. 6. In the Medomac 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 to the town of Bremen, or to take smelts in said river and its tributaries in any other way than by hook and line.

Sect. 7. In the Georges river, above 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, or to take smelts in said river and its tributaries in any other way than by hook and line.

Sect. 8. Together with 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 land to land is not more than three nautical miles in width, except that purse and drag seines may be used for the purpose of taking smelts in these waters except in Bluehill bays, under a penalty not exceeding five hundred
dollars for each offence, for such unlawful fishing to be recovered in action of debt.

Sect. 1. Citizens of the states during the months of May and November of each year, may fish for, and take white fish with set nets in the Schoodic lakes on the Saint Croix river, and their tributaries, and convey the same to their own homes, but not otherwise.

Sect. 41. 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 Treat's falls, on said river; nor between the Augusta highway bridge over the Kennebec river and the Augusta dam, 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 Waldoborough in the Medomak river, under the authority granted said towns by the private and special laws of Massachusetts, passed March six, eighteen hundred and two, and amendments thereto, passed by the legislature of this state; nor shall it apply to the taking of alewives by the town of Woolwich in Nequassett stream, provided that fly fishing shall be allowed up to the bridge across Denny's river at Lincoln's mill, but not between said bridge and Lincoln's mill dam; and provided also, that fishing with an artificial fly or single baited hook and line shall be allowed up to within fifty feet of the dam across the Aroostook river, in the town
of Caribou. The penalty for violation of this section is a fine of not more than fifty nor less than ten dollars for each offence and a further fine of ten dollars for each salmon and one dollar for each shad so taken. The penalty for violation of this section is a fine of not more than fifty nor less than ten dollars for each offence, and a further fine of ten dollars for each salmon, and one dollar for each shad, so taken.'

Sect. 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 each 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.

'Sect. 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. Each 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 said 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 offence. This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the Saint Croix river below the break-water, at the ledge, or to the Aroostook river and its tributaries.

The above section does not apply to the Penobscot and Belfast bays.

ALEWIVES.

Sect. 44. No alewives shall be taken, killed or fished for, between the fifteenth day of July and the first day of the following April, nor at any time in non-tidal or non-navigable waters, by any net other than the ordinary hand dip-net, under penalty of ten dollars for each offence, and one dollar additional for each fish so taken or killed.

ALEWIVES IN DAMARISCOTTA RIVER.

Sect. 1. Whoever shall construct, set, maintain or use any net, weir, seine or other machine or device, in the waters of the Damariscotta river, northerly of a line drawn east and west across said river, at a point one half mile south of Goose Rock, so called, 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 twenty dollars
for each offence; all nets, weirs, seines or other machine or device, prohibited as aforesaid, shall be deemed forfeited and contraband, and any member of the fish committee of the towns of Newcastle and Nobleborough finding them in such use may destroy them.

SECT. 2. Nothing in this act 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 alewive fishery in said Damariscotta river.

SMELTS.

SECT. 46. 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 offence, and a further penalty of twenty cents for each smelt so taken, and all weirs for the capture of smelts shall be opened and so remain, and all nets used in the smelt and tom-cod fishery, shall be taken from the water on or before said first day of April, under a penalty of not less than twenty nor more than fifty dollars, and a further fine of five dollars for each day that any such weir or net remains in violation of law, but weirs with catch pounds covered with net, the meshes of which are one inch square in the clear, or greater, are not subject to this section. But no smelts caught in such weirs after the first day of April, shall be sold or offered for sale in this state, nor shall smelts caught in any manner between the first day of April and the first day of October following, be offered for sale, sold, or shipped from the state under a penalty of twenty-five dollars for each offence, 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 Merry Meeting Bay bridge, between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries between the first and fifteenth days of April, nor to smelts taken in Casco bay between the fifteenth day of September and first day of October.

**LAND-LOCKED SALMON, TROUT, TOGUE, BLACK BASS AND WHITE PERCH.**

**SECT. 47.** There shall be an annual close time for land-locked salmon, commonly so called, trout, togue, Oswego bass and white perch, as follows, viz: For land-locked salmon, trout and togue, between the first days of October and the following May, except on the Saint Croix river and its tributaries and all the waters in Kennebec county, in which the close time is between the fifteenth day of September and the first day of the following May; and for Oswego bass, and white perch, between the first days of April and July.

**SECT. 48.** No person shall take, catch, kill or fish for, in any manner, any land-locked salmon, trout or togue, in any of the waters aforesaid, between the first days of October and the following May, nor in the Saint Croix river and its tributaries, between the fifteenth day of September and the first day of the following May; or, Oswego bass or white perch, between the first days of April or July, under a penalty of not less than
ten nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken or killed; provided, however, that during February, March, and April, citizens of the state may fish for and take land-locked salmon, trout and togue, and convey the same to their own homes, but not otherwise; provided, further, that the provisions of this and the preceding and two succeeding sections shall not apply to the taking of black bass from any waters which have been stocked there-with for a period of five years.

Sect. 49. No person shall sell, expose for sale or have in possession with intent to sell, or transport from place to place, any land-locked salmon, trout or togue, between the first days of October and the following May; or any Oswego bass or white perch, between the first days of April and July, under a penalty of not less than ten nor more than fifty dollars for each offence.

Sect. 50. Any person having in possession, except alive, any land-locked salmon, trout or togue, between the first days of October and the following May, or any Oswego bass, or white perch, between the first days of April and July, or who transports from place to place within the state any land-locked salmon, trout or togue, between the first days of October and May following, or, Oswego bass, or white perch, between the first days of April and July, shall be deemed to have killed, caught or transported the same contrary to law, and be liable to the penalties aforesaid.

FORBIDDEN METHODS.

Sect. 51. Whoever fishes for, takes, catches, kills or destroys any fish with grapnel, spear, trawl, weir, net, seine, trap, or set lines except
when fishing on the ice,—and then with not more than five set lines,—except in tide waters where such methods are not prohibited, or with any device or in any other way than by the ordinary mode of angling with single baited hooks and lines or with artificial flies, forfeits twenty-five dollars for the offence and ten dollars for each salmon or land-locked salmon and one dollar for each and every other fish so taken, caught, killed or destroyed; and when such prohibited implements or devices are found in use or operation they are forfeit and contraband, and any person finding them in use may destroy them.

Sect. 52. No person shall use dynamite or any other explosive, or any poison, for the purpose of destroying or taking fish under a penalty of one hundred dollars and two months imprisonment in the county jail, for each offence.

Sect. 53. Whoever kills or destroys any sea salmon or land-locked salmon less than nine inches in length, or any trout less than five inches in length, forfeits five dollars for the offence and fifty cents for every land-locked salmon or trout so killed or destroyed. Whoever has in possession any salmon or trout of less than the above dimensions shall be deemed to have taken them in violation of this section.

NOT OVER 50 LBS. TO BE CAUGHT OR TRANSPORTED.

Sect. 54. No person shall take, catch, kill, or have in possession, at any one time for the purpose of transportation, more than fifty pounds of land-locked salmon, trout or togue, in all, nor shall any such be transported except in the possession of the owner thereof, under a penalty of fifty
dollars for the offence and five dollars for every pound of land-locked salmon, trout or togue, in all, so taken, caught, killed, in possession, or transportation, in excess of fifty pounds, and all such fish transported in violation of this section, may be seized, on complaint, and shall be forfeited to the prosecutor. Whoever has in his possession more than fifty pounds in all of such fish, shall be deemed to have taken them in violation of this section.

BASS FROM SPAWNING BEDS.

SECT. 55. Whoever takes any black bass at any time from their spawning beds, forfeits for each offence not more than twenty nor less than five dollars, besides one dollar for each bass so taken.

NETS.

SECT. 56. No net, other than a dip-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 offence.

SECT. 23. No person, not a resident of the state shall set or use any net, weir, seine, or other machine, for the taking of salmon, shad, mackerel, shell fish, lobsters, herrings, alewives, menhaden or porgies; nor shall residents set or use any seine for the taking of mackerel, menhaden or porgies; nor shall any person take, or otherwise willfully destroy any shell fish, or obstruct their growth in their beds; or set any net crosswise of said waters, but only lengthwise, under a penalty, of not less than twenty, nor more than five
hundred dollars; except as hereinafter provided; provided, however, that the words or set any net crosswise of said waters but only lengthwise, shall not apply to the waters of Winnegance creek, and that said water shall be exempt there­from.

INTRODUCTION OF CERTAIN FISH PRO­HIBITED.

SECT. 57. No muscallonge, pickerel, pike, sun­fish or bream, yellow perch or black bass shall be introduced, by means of live fish or spawn, to any waters where they do not severally exist, except as hereinafter provided, under a penalty of not more than two hundred nor less than fifty dollars.

SECT. 58. Whoever introduces fish of any kind, except trout, fresh and salt water salmon, fresh water smelts, blue-back trout and minnows, by means of live fish or otherwise, into any waters now frequented by trout or salmon, except as hereinafter provided, forfeits not less than fifty nor more than five hundred dollars.

FISH SEIZED MAY BE RETURNED ON GIVING BOND.

Sheriffs, Constables, and Police Officers to Act as Fish Wardens.

SECT. 66. It shall be the duty of all sheriffs, deputy sheriffs, constables and police officers, as well as fish wardens and their deputies, to cause any person violating either of the sections from thirty-four to sixty-five inclusive, to be promptly prosecuted, either by complaint or by giving in­formation to the county attorney. Said officers shall be allowed for said services the same fees as sheriffs and their deputies. They may seize any
implement used in illegal fishing, and may render
any weir, unlawfully built or maintained, incapable
of taking fish, and may, on view, appropriate to
their own use or gift, any fish taken or possessed
in violation of law.

FINES AND PENALTIES--HOW RECOVERED.

SECT. 67. All fines and penalties named in
sections thirty-five to sixty-five inclusive, unless
otherwise provided, may be recovered by com­
plaint, indictment, or action of debt; and in all
actions of debt commenced in the Supreme Judicial
or Superior Court, the plaintiff prevailing, recovers
full costs, without regard to the amount recovered.

Judge of municipal and police courts and trial
justices have concurrent jurisdiction of all offences
described in said sections. Where the offence is
alleged to have been committed in any river,
stream, pond, or lake forming a boundary between
two counties, or where the fish are caught in one
county and carried to another, the action, com­
plaint, or indictment may be commenced and
prosecuted in either.

WEIRS, HEDGES, &c., &c.

SECT. 68. No weir, hedge, set-net, or any other
contrivance for the capture of fish, which is sta­
tionary while in use, shall extend into more than
two feet depth of water at ordinary low water,
under a penalty of not more than one hundred nor
less than fifty dollars, and forfeiture of all appa­
ratus and material so unlawfully used. This pro­
vision 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 tom-cods, nor to any implements law-
fully used above the flow of tide, nor to any portion of the Penobscot river, bay or tributaries.

'SECT. 69. The limit or depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, provided, that no part of such 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 depth, measured as aforesaid, under the following conditions, namely; 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 width of the channel, except in the Cathance, Eastern and Abagadasset rivers in which rivers such weirs may extend twenty-five feet beyond the one-eighth aforesaid, provided, such extension shall not exceed more than one-fourth of the width of the channel in Abagadasset and Eastern rivers; third, every such weir shall be stripped so as to render it incapable of taking fish on and after the twenty-fifth day of June, 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 United States coast survey, allowance being made at the various points for the difference in time. The provisions of this and the preceding section do not apply to fish weirs, nets or seines built or used on the seashore.'

'SECT. 71. All boats, implements and materials used, and all fish taken in violation of this chapter, are forfeited to the officer seizing the same.

'SECT. 2. No fish weir or wharf shall be extended, erected or maintained except in accordance
with this chapter; and no fish weir 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 flats; but this chapter does not apply to weirs, the materials of which are chiefly removed annually, provided that they do not obstruct navigation, or interfere with the rights of others. All acts or parts of acts inconsistent with this act are hereby repealed.

SECT. 26. Owners of shores or flats bordering on the seacoast may extend their fish weirs, the materials of which are wholly or partly removed annually, into tide waters below low water mark; provided, that they do not obstruct navigation nor interfere with the rights of others.

SECT. 27. All vessels, boats, craft 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 person 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.

SCRAPs AND OTHER OFFAL.

SECT. 73. Whoever casts or deposits, or causes to be thrown or deposited into any navigable waters, any pomace, scraps or other offal arising from the making of oil or slivers for bait from menhaden or herring, forfeits not less than fifty-
nor more than one thousand dollars for each offence, to be recovered by indictment or action of
debt in the name and to the use of the county in
which the offence is committed; and there shall
be a lien on all boats, vessels, crafts and apparatus
of every kind in the possession of any person
violating this section, whether owned by him or
not; they may be attached in such action, and
held to respond to the judgment for the penalties,
forfeitures and costs as in other cases, and any
trial justice on complaint, may cause the arrest of
the accused, and seizure of the property alleged
to be forfeited, and may detain the same until a
trial may be had; and on conviction, said property
shall be decreed forfeited to the uses aforesaid, to
be sold in the same manner as goods taken on exe-
cution, and the balance, after deducting fines and
costs, shall be paid to the person legally entitled
to receive it.

SEA AND SHELL FISH.

SECT. 17. It shall be unlawful for non-residents
to use any fishing steamer for the purpose of
catching mackerel, herring or menhaden in the
waters of this state for the purpose of supplying
the markets of other states, under a penalty not
to exceed five hundred dollars for each offence, to
be recovered in an action of debt; and the taking
of mackerel, herring, shad, porgies, or menhaden,
and the fishing therefor by the use of purse and drag
seines, is prohibited in all small bays, inlets, har-
bors or weirs, where any entrance to the same, or
any part thereof from land to land, is not more
than three nautical miles in width, under a penalty
upon the master or person in charge of such
seines, or upon the owners of any vessel or seines
employed in such unlawful fishing, of not less than three hundred nor more than five hundred dollars, to be recovered by indictment, or action of debt; and there shall be a lien upon the vessels, steamers, boats and apparatus used in such unlawful pursuit, until said penalty, with costs of prosecution is paid; but a net for meshing mackerel or porgies, of not more than one hundred meshes in depth, and a net for meshing herring, of not more than one hundred and seventy meshes in depth, and a net for meshing shad, of not more than seventy-five meshes in depth, shall not be deemed a seine; and it shall be lawful to take shad and alewives in the Androscoggin river, and in Merrymeeting bay from April first to June fifteenth in each year, by the use of drag seines, not more than fifty fathoms in length, and of not more than fifty meshes in depth.

**HERRING AND SARDINES.**

**SECT. 18.** Whoever catches, takes, preserves, sells or offers for sale, 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 fifteenth days of December and the following April, forfeits twenty dollars for every hundred cans so packed or canned, and for every hundred herring so taken, and whoever bakes, fries, packs or cans any herring or other fish for sardines, without heading and eviscerating the same, and whoever sells, offers for sale or has in his possession for sale, any sardines packed without being so headed and eviscerated, shall forfeit twenty dollars for every one hundred cans so packed, sold, offered for sale, or
in possession for sale, to be recovered by indictment or action of debt, one-half to the complainant, or prosecutor, and one-half to the town in which the offense is committed.

**LOBSTERS.**

**Sect. 1.** It is unlawful to destroy, buy, sell, expose for sale or possess any female lobster 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 he intended to liberate them in accordance with the provisions of this act, he shall not be liable to any of the penalties herein provided for, though he may have failed, from any cause not within his control, to so liberate them. The possession of mutilated, uncooked lobsters shall be prima facie evidence that they are not of the required length.

**Sect. 2.** It is unlawful to catch, buy or sell, or expose for sale, or possess for any purposes, between the first day of July and the first day of the following May, any lobster less than ten and one-half 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 bone of the nose to the end of the bone of the middle flipper of the tail, the length to be taken with the lobster extended on the back its natural length, and any lobster, shorter than the prescribed length when caught, shall be 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, exposed for sale or in possession, not so liberated.
SECT. 3. No person shall catch, buy, sell or expose for sale, or possess for any purposes, during the months of May and June, lobsters less than nine inches in length, under the same penalties as provided in section two.

SECT. 4. No person, firm, association or corporation shall can, preserve or pickle, or cause to be canned, preserved or pickled, any lobsters except between the twentieth day of April and the first day of July following, in each year; and during said days it shall be unlawful to can, preserve or pickle lobsters less than nine inches in length, alive or dead, measured as aforesaid; and for every lobster canned, preserved or pickled contrary to the provisions of this section, every person, firm, association or corporation so canning, preserving or pickling shall be liable to a penalty of five dollars for every lobster so canned, preserved or pickled, and a further penalty of three hundred dollars for every day on which such unlawful canning, preserving or pickling is carried on.

SECT. 5. All barrels, boxes or other packages in transit containing lobsters, shall be marked with the full name of the shipper; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit containing lobsters, which are not marked by the full name of the shipper, 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, together with
such barrels, boxes and packages, shall be forfeited and disposed of under the provisions of chapter ninety-eight of the revised statutes, unless the owner or person claiming the possession thereof appears within twenty-four hours from the time of seizure and gives the bond provided in said chapter ninety-eight, or pay, for the use of the state, to the officer making such seizure the penalty of one dollar for each lobster less than the prescribed length found in the lot so seized, in either of which cases such officer shall deliver to the owner or person claiming possession thereof such lobsters as are found to be of the legal limit. If the property seized exceeds one hundred dollars in value, the party seizing, within twenty days, shall file a libel in the clerk's office of the supreme judicial or superior court in the county where the offence was committed, stating the cause of seizure, and praying for a decree of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed, to show cause why such decree should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not in the state paper, at least fourteen days before the time of trial. When the property seized does not exceed one hundred dollars in value, the libel may be filed before the judge of any municipal court or trial justice of the county where the offence was committed; and after notice as aforesaid has been posted at two or more public places in the county, seven days at least before the day of trial, such judge or trial justice shall try and decide the cause, and make such decree thereon as law requires.

SECT. 6. All fines and penalties under any law
relating to game, fish or shell-fish, may be recovered by complaint, indictment or action of debt, made or brought by any person in the county where such game or parts thereof, fish or shell-fish are found, against the shipper or the person, having the same in possession, and together with all forfeitures shall be paid into the treasury of the county where the complaint is made, indictment found, or action brought, and by the treasurer thereof into the state treasury.

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

SECT. 7. 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 not less than three-fourths of an inch in length, plainly carved or branded thereon, and all traps, nets, or other device 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, subject to the provisions of chapter ninety-eight of the revised statutes, including all of chapter one hundred and forty-four of the public laws of eighteen hundred and eighty-seven.

LOBSTER TRAPS.

All persons are hereby prohibited from setting any lobster trap or traps within three hundred feet of the mouth or outer end of the leaders of
any fish weir, under a penalty of five dollars for each offence, to be recovered on complaint before any court of competent jurisdiction in the county where the offence is committed, one-half to the use of the complainant and one-half to the use of said county. Whoever takes up or attempts to take up, or in any way knowingly and willfully interferes with any lobster trap, while set for use in the season in which it is lawful to prosecute the lobster fishery, without the authority of the owner thereof, shall be punished by a fine of not less than twenty nor more than fifty dollars, to be recovered by indictment or an action of debt, one half to the complainant and one-half to the county where such proceedings are commenced; provided, however, that no action or indictment shall be maintained under this act 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.

**SHELL-FISH.**

Sect. 24. The municipal officers of towns may grant written permits to residents of the state, to take within their towns shell-fish, menhaden or porgies, otherwise than is forbidden in section seventeen, and to those not residents, to take the same and also lobsters, on payment of an agreed sum to their town, specifying therein the quantity to be taken, the time to fish, the number of persons to be employed, and the purposes for which the fish may be used; but without such permit any inhabitant, within his own town, may take shell-fish for the consumption of his family, and any fisherman may take anywhere, such fish
suitable for bait, and necessary for his use, not exceeding seven bushels in the shell, except that oysters shall not be taken by any one in June, July and August.

CLAMS.

SECT. 25. A town may at its annual town meeting, fix the times in which clams may be taken within its limits, and the price 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 person therein, may take clams for the consumption of himself or 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 shellfish for bait by fishermen. Whoever takes clams contrary to municipal regulations authorized by this section, shall, for each offence, be fined not more than ten dollars, or imprisoned not more than thirty days, or both.

NOTICES.

SECT. 1. It shall be the duty of all persons that are or may be benefited by legislation, other than the general statutes for the protection of fish in any waters of this state, to publish such protection by posting and maintaining notices, as hereinafter provided. Said notices shall be placed on the banks or shores of such protected waters, not more than ten feet and not less than six feet above the ground, in a conspicuous position; and if on running waters, such notices shall be not 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.

SECT. 2. 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 state the number of the act and the date of the same giving the said protection to such waters.

SECT. 3. Any one mutilating or destroying such notices shall be subject to such penalties as set forth in section twenty, chapter one hundred and twenty-seven of the revised statutes.

SECT. 4. In case no notices as herein provided are posted and maintained on waters that are protected by special laws, then, no one violating such laws shall be liable thereunder to any penalties set forth in such laws.

FIRE.

SECT. 15. Whoever kindles a fire on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others, he forfeits not less than ten nor more than five hundred dollars, and in either case he shall stand committed until fine and costs are paid, or he shall be imprisoned not more than three years.

Fish and game wardens are hereby made state fire wardens, and it shall be their duty while in and about the woods, to caution all sportsmen of the danger from fires in the woods, and to extinguish all fires left burning by any one, if within their power; and to give notice to any and all
parties interested when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

An Act to create a forest commission and for the protection of forests.

Sect. 1. The state land agent is hereby made forest commissioner of the state of Maine, and in addition to the salary now received by him as land agent, he shall receive as compensation for his services as forest commissioner two hundred dollars per annum, and his actual traveling expenses incurred in the performance of his duties, an account of which shall be audited by the governor and council.

Sect. 2. It shall be the duty of the forest commissioner to make a collection and classification of statistics relating to the forests and connected interests of the state, and to institute an inquiry into the extent to which the forests of Maine are being destroyed by fires and by wasteful cutting, and to ascertain so far as he can as to the diminution of the wooded surface of the land upon the water sheds of the lakes, rivers and water powers of the state and the effect of such diminution upon the water powers and on the natural conditions of the climate. The information so gathered by him, together with his suggestions relative thereto shall be included in a report to be made by him annually to the governor on or before the first day of December.

Sect. 3. The selectmen of towns shall be, ex-officio, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water, or lot lines, and assign to each of their number the charge and
oversight of one district as district fire wardens therein. A description of each district and the name of the fire warden thereof shall be recorded with the town clerk. The services of such selectmen acting as said fire wardens, shall be paid for at the same rate as is paid for their official services. It shall be the duty of the fire warden of the district in which a fire is discovered to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any persons in the territory in which he acts for assistance, and such persons shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be helden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist, and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with any such order he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

SECT. 4. County commissioners of each county in which there are unorganized places shall annually appoint, such number of fire wardens as they deem necessary not exceeding ten, for all such unorganized places in any county, whose duties and powers shall be the same with respect to such unorganized places as those of the fire wardens of towns, and they shall also have the same authority to call out citizens of the county to aid them in
extinguishing fires, that town fire wardens have to call out citizens of the town. The compensation of such fire wardens shall be paid by the county, and the compensation of persons called upon by them as aforesaid, to render aid, shall be the same as that provided in the case of towns and shall be paid one-half by the county and one-half by the owners of the lands on which said fires occur.

Sect. 5. Any person who shall build a camp or cooking fire in or adjoining any woods in this state, shall, before leaving such camp, totally extinguish such fire, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month or by both such fine and imprisonment; provided, that such fires built upon the sea beach in such situation that they can not spread into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this act.

Sect. 6. It shall be the duty of selectmen in towns within thirty days after this act shall take effect, to cause to be erected in a conspicuous place at the side of every highway as they may deem proper, and at suitable distances alongside the rivers and lakes of the state frequented by camping parties, tourists, hunters and fishermen, in their respective towns, notices in large letters to be furnished by the forest commissioner, substantially in the following form: Camp fires must be totally extinguished before breaking camp, under penalty of not to exceed one month’s imprisonment or one hundred dollars fine, or both
as provided by law. Signed, ——— Forest Commissioner. The forest commissioner shall furnish owners of wood lands situated within this state when called upon so to do, notices of similar tenor to be posted at the expense of said owners upon their respective lands.

SECT. 7. All persons engaged in hunting game on any of the wood lands within any town or unincorporated place in this state, shall use non-combustible wads in the loading of firearms used by them.

SECT. 8. It shall be the duty of municipal officers in towns, and county commissioners, the latter with respect to unorganized places, to proceed immediately to a strict inquiry into the cause and origin of fires, within wood lands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

SECT. 9. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, and the county commissioners where a forest fire of more than two acres has occurred in any of the unincorporated places in any county, within a year, shall report to the forest commissioner the extent of area burned over, to the best of their information, together with the probable amount of property destroyed, specifying the value of timber as near as may be, and amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the cause of these fires if they can be ascertained, and the measures employed and found most effective in checking their progress. Blanks for the reports required
in this act shall be furnished by said forest commissioner at the expense of the state.

Sect. 10. Every railroad company whose road passes through waste or forest lands, shall during each year cut and burn off or remove from its right of way all grass, brush or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control.

Sect. 11. All locomotives which shall be run through forest lands, shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks.

Sect. 12. No railroad company shall permit its employees to deposit fire, live coals or ashes, upon their track in the immediate vicinity of wood lands or land liable to be overrun by fires, and where engineers, conductors or train men discover that fences along the right of way or wood lands adjacent to the railroads, are burning or in danger from fire, it shall be their duty to report the same at their next stopping place which shall be a telegraph station.

Sect. 13. For all damages caused to forest growth by any person employed in the construction of any railroad hereafter to be built in this state, the company owning such road shall be primarily liable to the person or persons so damaged. During the construction of such roads through wood land, there shall be kept posted in conspicuous places on each line of the road ways at distances of two hundred feet, abstracts of the laws relating to forest fires. Any person employed in the construction of such railroads, who shall set or cause to be set any fire along the line of said roads, shall, before leaving the same, totally
extinguish said fires, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment. It shall be the duty of all persons having charge of men in the construction of such railroads, to see that the provisions of this section are carefully complied with, and any negligence or want of ordinary care on their part in relation to the same shall constitute a misdemeanor, and upon conviction thereof, they shall be liable to the penalties imposed by this section.

Sect. 14. Any railroad company violating the requirements of this act, shall be liable to a fine of one hundred dollars for each offence.

Sect. 15. The forest commissioner shall take such measures as the state superintendent of common schools and the president of the state college of agriculture and the mechanic arts may approve, for awakening an interest in behalf of forestry in the public schools, academies and colleges of the state, and of imparting some degree of elementary instruction upon this subject therein.

Sect. 16. The forest commissioner shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application.

Sect. 17. It shall be the duty of the forest commissioner to cause, at the expense of the state, copies of this chapter and all other laws of the state relating to forest fires to be printed and
freely distributed to the selectmen of all the towns of the state, whose duty it shall be to post them up in school houses, saw mills, logging camps and other places, and similar copies shall be furnished to owners of forest lands, who may apply for them, to be posted up at the expense of such owners. Any person viciously or wantonly tearing down, destroying or defacing any such notices, shall on conviction therefor be punished by a fine of five dollars.

Sect. 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, but none of the penalties proposed by this act shall be considered as substitutes for or as repealing the provisions of existing laws, making persons guilty of acts of trespass or liable for civil damages to persons injured by such acts.

[Approved March 25.]

SPECIAL LAWS FOR MOOSEHEAD LAKE.

Sect. 1. No person shall take, catch, kill, fish for or destroy any trout, land-locked salmon or other fish in the Misery and Saccatien or Socatian rivers which empty into Moosehead lake, from the tenth day of September to the first day of May.

Sect. 2. Any person who shall violate the provisions of this act shall forfeit and pay the sum of twenty-five dollars for the attempt, and one dollar for each and every trout, land-locked salmon or other fish so taken, caught, killed or destroyed, to be recovered by complaint before any trial justice, one-half to the complainant and one-half to the county where proceedings are commenced.
SPECIAL PROVISIONS NOW IN FORCE ON RANGELEY LAKES AND TRIBUTARIES.

Sect. 1. No person shall take, catch, fish for or destroy any trout or land-locked salmon in the Kennebago, Rangeley, Cupsuptic, Mooselucmaguntic, Mollychunckamunk and Welokeunebacook lakes, or in the streams flowing into or connecting said lakes, during the months of February, March and April of each year.

Sect. 2. No person shall use spawn as bait for fishing in any of the waters named in the foregoing section, during the month of September of each year.

Sect. 3. Any person who shall violate the provisions of this act shall forfeit and pay the sum of ten dollars for the attempt, and one dollar for each and every trout or land-locked salmon so taken, caught, killed or destroyed, to be recovered by complaint before any trial justice, one-half to the complainant, and one-half to the town where the complaint is made.

Sect. 1. No person shall take, catch, kill, fish for or destroy any trout or land-locked salmon in the Rangeley stream between the mouth of the Kennebago stream and the head of the island at the eddy, so called, in said Rangeley stream, from the first day of July to the first day of May; nor in that portion of said stream from the head of said island to the Rangeley dam, at any time; nor in the South Bog stream which empties into Rangeley lake, above the dead water at the mouth of said stream, from the first day of July to the first day of May; nor in the Bemis stream which empties into Mooselucmaguntic lake, above the blue water, so called, at the mouth of said stream,
from the first day of July to the first day of May; nor in the Cupsuptic stream which empties into the Cupsuptic lake, between the foot of the first falls towards its mouth and its source, from the first day of July to the first day of May; nor in the Kennebago stream between the foot of the first falls towards its mouth and the upper falls at the outlet of Kennebago lake, from the first day of September to the first day of May.

Sect. 2. Any person who shall violate the provisions of this act shall forfeit and pay the sum of twenty-five dollars for the attempt and one dollar for each and every trout or land-locked salmon so taken, caught, killed or destroyed, to be recovered by complaint before any trial justice, one-half to the complainant and one-half to the town where the complaint is made.

TOWN OF WARREN.

An Act to amend section eleven of chapter one hundred and twenty-six, Public Laws of eighteen hundred and forty-four entitled "An Act for the preservation of salmon, shad and alewives in Georges river and tributary streams."

Sect. 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, 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 six, eighteen hundred and two, which are not inconsistent with the provisions of this act.

**LITTLE RIVER IN PERRY.**

Little river, in Perry, Maine, shall be exempt from all the provisions of chapter forty, revised statutes, that relate to maintaining fishways in said river, except April, May and June.

**TOWNS MAY AID IN PROPAGATION AND PROTECTION OF FISH.**

Sect. 1. Cities, towns and plantations are authorized to raise annually, 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 cities, towns or plantations for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditures thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.
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