

# HOUSE . . . . . No. 309.

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[Bill accompanying the petition of Southern Massachusetts Fish and Game League. Fisheries and Game.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-nine.

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### AN ACT

Relative to Fishways.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. That section seven of chapter ninety-one  
2 of the Public Statutes be amended by striking out the  
3 words "such persons" in the fifth line, after the word  
4 "at," and inserting the word "the" before "ex" in the  
5 same line, and inserting after the word "-pense" in the  
6 sixth line, the words "of the commonwealth when in  
7 the opinion of the commissioners on inland fisheries and  
8 game the person required by law to construct or maintain  
9 the same is not able to afford such expense;" and by  
10 inserting after the word "maintained" in the third line  
11 the words "or when in the opinion of the commissioners  
12 a passage should be provided for the passage of edible  
13 fish," so that the section shall read:—

14 *Section 7.* When either of the commissioners finds  
15 that there is no fishway or an insufficient fishway in or  
16 around a dam where the law requires a fishway to be  
17 maintained, or when in the opinion of the commissioners  
18 a passage should be provided for the passage of edible  
19 fish, he may in his discretion enter with workmen and  
20 materials upon the premises of the person required to  
21 maintain a fishway there, and may, at the expense of the  
22 Commonwealth, when in the opinion of the commissioners  
23 on inland fisheries and game the person required by law  
24 to construct or maintain the same is not able to afford  
25 such expense, improve an existing fishway or cause one  
26 to be constructed if none exists, and may take if neces-  
27 sary the land of any other person not obliged by law to  
28 maintain said fishway; and when a fishway has been con-  
29 structed in accordance with the provisions of this section  
30 the commissioners shall not require the owner of the  
31 dam to alter the same within five years from the comple-  
32 tion thereof.

1 SECTION 2. This act shall take effect upon its passage.



