

SECTION 3. There are added to the statutes of 1898 twenty-two new sections to read:

\* \* \* \* \*

Approved July 9, 1907.

(In effect from and after date of publication.)

No. 132, S.]

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## CHAPTER 488.

AN ACT to create sections 1497l to 1497p of the statutes, relating to fishways in dams, and providing a penalty for violation thereof:

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There are hereby added to the statutes new sections to read as follows:

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**Repeal.** SECTION 2. Chapter 16 of the laws passed at the special session of the legislature of 1905 and all other acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

Approved July 9, 1907.

(In effect from and after date of publication.)

of bass fry at a point to be selected by them as most suitable in the lake region in the southeastern part of the state, and to locate, erect, construct and equip a fish hatchery for the propagation of trout fry at a point in the \* \* \* state to be selected by them as most suitable.

(Ch. 207, 1907.)

**Fisheries superintendent: salary, duties, expenses.**

SECTION 1497a. The commissioners shall appoint, and may remove at pleasure, a superintendent of fisheries at a salary of not exceeding \* \* \* *two thousand five hundred* dollars per annum; and one assistant to be appointed at such salary as they may fix. The commissioners may permit the superintendent or assistant or any employes to occupy such of the tenement houses at the hatcheries and such grounds therewith as they deem reasonable. The duties of such superintendent shall be, under the direction of the commissioners:

1. To superintend the receiving and hatching of spawn; its proper care and distribution, and care of the property.

2. To direct the running and use of the fish car and its care, repair and preservation.

3. To care for the property of the several hatcheries; keep a proper inventory thereof, together with the cost of each article.

4. To keep a careful account in detail and separately of the expenses of each of the hatcheries; the distribution of the fish and the collection of wild fish and their distribution, of maintaining and repairing the fish car, and of such improvements and repairs as may from time to time be ordered. For \* \* \* *his* expenses, when audited and allowed pursuant to the by-laws of the commission, he shall be reimbursed \* \* \* *from the funds of the commission.*

5. To perform such other duties as may be prescribed by the commissioners.

(Ch 548, 1907.)

**Game fish: free passage for.** SECTION 1497l. It is hereby made the duty of all and every person, persons, firm or corporation owning, managing, occupying or having in charge any dam or other obstruction of any kind whatsoever, that interfere with the free passage of game fish, to construct and maintain in such dam or other obstruction a fishway of such kind as the commissioner of fisheries of Wisconsin shall designate, within three months after the said owner, occupant, manager,

person or persons having the charge or control of any such dam or other obstruction shall have been notified in writing by the commissioners of fisheries to build or construct such fishway; provided that the execution of such order shall not be compelled during the winter months.

(Ch. 488, 1907.)

**Seasons for keeping fishways open.** SECTION 1497m. It shall be the duty of each and every person, persons, firm or corporation managing, occupying or having in charge any such dam or other obstruction in or across any stream or river in this state in which a fishway is required by the commissioners of fisheries to keep and maintain such fishway in good repair and open for the free and easy passage of game fish up and down the stream or river on which it is located from the first day of March to the first day of June in each and every year; and such fishway in dams on or across streams containing trout of any variety shall also be open from the first day of October to the first day of December in each and every year and in dams used expressly for the holding of waters in lakes for storage and flooding purposes, such fishway shall be kept open for the free passage of fish at all times.

(Ch. 488, 1907.)

**Commissioners of fisheries to examine dams and order fishways.** SECTION 1497n. The commissioners of fisheries shall adopt such plan or plans of fishway as they deem best for the dams of this state, and whenever in their judgment a fishway is necessary in any dam, or when they are petitioned by twenty-five per cent of the voters of the town, village or city ward to examine any dam or other obstruction to the free passage of game fish located on any stream in such town, village or city ward to determine whether a fishway is necessary to promote the propagation or passage of game fish in such they shall cause such dam or other obstruction and the waters on which the dam is located to be examined; and if the construction of a fishway in such dam will in their judgment be practicable or aid in the preservation of game fish or will promote an increase of game fish in the stream or river on which the dam or other obstruction is located or in any waters above or below such dam, they shall notify the person, persons or firm or corporation owning, occupying, managing or having in charge such dam to build a fishway therein; but such owner or oc-

cupant shall not be required to construct such fishway at any point in the dam that will materially interfere with the permanent buildings or flume of such dam, as already constructed at the time when fishway is ordered. Said notice to build a fishway shall prescribe as nearly as practicable the location of the fishway in the dam, and shall be accompanied by plans and specifications for building a fishway in such dam or other obstruction.

(Ch. 488, 1907.)

**Fish wardens to enforce and to inspect.** SECTION 1497o.

It shall be the duty of the state fish and game warden to enforce the provisions of this act; and the commissioners of fisheries shall furnish him a copy of each and every notice to build fishways issued by them; and the state fish and game warden shall cause each dam in which a fishway has been ordered to be examined at least twice each year during the periods such fishways are required to be open for the free passage of fish.

(Ch. 488, 1907.)

**Penalties.** SECTION 1497p. Any person, persons, firm or corporation who or which shall neglect or refuse to build a fishway or who or which shall neglect or refuse to maintain or keep in repair such fishway after it is built, or who or which shall fail to keep such fishway open to permit the game fish to pass up and down the stream or river as provided herein, shall forfeit to the state of Wisconsin a sum not less than ten dollars nor more than one hundred dollars for each month that he, they, or it shall fail to construct such fishway after being legally notified to do so, after the time in which to build such fishway has expired; or for each week that he, they, or it shall fail to keep such fishway in repair after being notified by the state fish and game warden to make repairs; or for each week he, they, or it shall fail to keep such fishway open for the free passage of game fish during the time such fishway is required to be open in each year, and the costs of suit, same to be recovered by a civil action brought in the name of the state of Wisconsin. It shall be the duty of the district attorney of each county in which a dam is located of which complaint is made to prosecute actions for violations of this law when complaint is made.

(Ch. 488, 1907.)