

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Seventh Legislature.

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SENATE.

No. 128.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-FIVE,

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AN ACT amendatory of and additional to chapter forty of  
the Revised Statutes, relating to Fish and Fisheries.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECTION 1. Section thirty-three of chapter forty of the  
2 Revised Statutes is hereby amended so as to read as  
3 follows :

‘Section 33. The governor with the advice and consent  
5 of the council, shall appoint three persons to be commis-  
6 sioners of inland fisheries and game, one of whom shall  
7 be the land agent of the state, and who shall hold said  
8 office so long as he shall remain land agent of the state,  
9 and shall receive in addition to his present salary annu-  
10 ally, the sum of two hundred dollars, the other two

11 members shall hold their office for three years, and until  
12 their successors are appointed and qualified, and shall  
13 each receive an annual salary of one thousand dollars.

Said commissioners shall receive in addition to their  
15 salary actual traveling expenses to be audited by the gov-  
16 ernor and council. The governor, with the advice and  
17 consent of council, shall also appoint one other commis-  
18 sioner who shall have general supervision of the sea and  
19 shore fisheries, and shell fish, regulated by this chapter,  
20 and shall hold his office for three years and until his  
21 successor is appointed and qualified, and shall receive the  
22 same salary now provided for such office.

SECT. 2. Chapter forty of the Revised Statutes is hereby  
2 further amended by adding thereto the following sections :

‘Section 75. Said commissioners of inland fisheries  
4 and game shall examine dams and all other obstructions  
5 existing in all rivers and streams, and determine the neces-  
6 sity of fish ways, and the location, from and capacity  
7 thereof; introduce and disseminate valuable species of food  
8 fish into the inland waters of the state, and valuable food  
9 birds into the state. They shall examine into the work-  
10 ings of the inland fish and game laws, see that all viola-  
11 tions thereof are duly prosecuted, and perform all other  
12 duties prescribed by law. They shall report annually to  
13 the governor, on or before the thirty-first day of Decem-  
14 ber, who shall cause three thousand copies to be printed.’

‘Section 76. The commissioners of inland fisheries  
16 and game shall have authority, upon petition of five or  
17 more citizens of the state, or whenever they shall deem  
18 it for the best interests of the state, after due notice and  
19 public hearing in the locality to be affected, to regulate

20 the times and the places in which and the circumstances  
21 under which game and inland fish may be taken ; but they  
22 cannot authorize the taking of game or inland fish at a  
23 time in which so doing is prohibited by general law of the  
24 state.'

'Section 77. When they deem it for the best interests  
26 of the state, after like notice and hearing, they may  
27 entirely prohibit the taking of any kind of game or inland  
28 fish in any part of the state for a series of years not  
29 exceeding four.'

'Section 78. They may adopt, and from time to time  
31 modify or repeal, such needful rules and regulations, not  
32 contrary to the general laws of the state, as they may  
33 deem necessary or proper for the protection and preser-  
34 vation of the game and inland fish of the state, in con-  
35 formity with the provisions of section 76 and 77 of this  
36 chapter.'

'Section 79. They shall file in the office of the clerks of  
38 the cities, towns and plantations in the territory to be  
39 affected a copy of the rules and regulations adopted by  
40 them, and publish the same three weeks successively in a  
41 newspaper printed in the county and post on the banks of  
42 waters to be affected as near as may be like notices ; and  
43 whenever any such rules or regulations apply to any unor-  
44 ganized township, a like copy shall be filed with the clerk  
45 of courts for that county and published three weeks suc-  
46 cessively in a newspaper printed in the county ; they shall  
47 also immediately upon the adoption of any rules and reg-  
48 ulations contemplated by this act file an attested copy of  
49 the same in the office of the secretary of state.

'SECT. 80. Whoever fishes for, takes, catches, kills or  
51 destroys any inland fish, in any manner or at any time, in

52 violation of any of the rules and regulations of the com-  
53 missioners of inland fisheries and game, made and pro-  
54 mulgated in conformity with the provisions of this chap-  
55 ter, shall be punished in the same manner and to the same  
56 extent as is provided for by law for the illegal taking,  
57 catching, killing or destroying any such inland fish.'

'SECT. 81. Whoever at any time or in any manner shall  
59 hunt, chase, catch, kill, take, have in possession, or  
60 destroy any inland game in violation of any of the rules  
61 and regulations of the commissioners of inland fisheries  
62 and game made and promulgated in conformity with the  
63 provisions of this chapter, shall be punished in the same  
64 manner and to the same extent as is provided for by law  
65 for the illegal hunting, chasing, catching, killing, taking,  
66 having in possession, or destroying any such inland game.'

'SECT. 82. Any person who wilfully mutilates, de-  
68 faces, or destroys any notice, rule or regulation of the  
69 commissioners of inland fisheries and game, posted in  
70 conformity with the provisions of this act, shall be pun-  
71 ished by a fine not exceeding fifty dollars, to be recovered  
72 by complaint or indictment; one-half of said fine shall be  
73 paid to the prosecutor.'

SECT. 3. Section 40 of chapter 40, and sections 15 and  
2 16 of chapter 30 of the Revised Statutes and all amend-  
3 ments thereto are hereby repealed.

SECT. 4. The governor with the advice and consent of  
2 council, upon the recommendation of the commissioners  
3 of inland fisheries and game may appoint suitable persons  
4 as fish and game wardens, who shall hold office for a term  
5 of three years unless sooner removed; who shall enforce  
6 all laws relating to inland game and fisheries, and rules

7 and regulations relating thereto, arrest all violators  
8 thereof, and prosecute all offences against the same ; they  
9 shall have the same power to serve criminal processes  
10 against such offenders, and shall be allowed the same fees  
11 as sheriffs for like services ; they shall have the same right  
12 as sheriffs to require aid in executing the duties of their  
13 office. They shall, before being qualified to discharge the  
14 duties required by this act give bond with two good and  
15 sufficient sureties in the penal sum of two thousand dol-  
16 lars approved by the commissioner of inland fisheries and  
17 game to the treasurer of the state. Conditioned for the  
18 faithful performance of the duties of their office.

SECT. 5. The governor, with the advice and consent  
2 of council, upon the recommendation of the commis-  
3 sioner of sea and shore fisheries may appoint suitable  
4 persons as fish wardens, who shall hold office for a term  
5 of three years unless sooner removed, who shall enforce all  
6 laws and the rules and regulations relating to sea and  
7 shore fisheries, arrest all violators thereof, and prosecute  
8 all offences against the same ; they shall have the same  
9 power to serve criminal processes against such offenders,  
10 and shall be allowed the same fees as sheriffs for like ser-  
11 vices ; they shall have the same right as sheriffs to require  
12 aid in executing the duties of their office. They shall,  
13 before being qualified to discharge the duties required by  
14 this act give bond with two good and sufficient sureties in  
15 the penal sum of two thousand dollars approved by the  
16 commissioner of sea and shore fisheries, to the treasurer  
17 of the state, conditioned for the faithful performance of  
18 the duties of their office.

SECT. 6. All acts and parts of acts inconsistent with  
2 this act are hereby repealed.

## REPORT "A."

The committee on Judiciary, to which was referred the bill entitled, "An Act amendatory of chapter 40 of the Revised Statutes relating to Fish and Fisheries," have had the same under consideration, and ask leave to report that legislation thereon is inexpedient.

Per order.

HIGGINS.

LARRABEE.

PARSONS.

KEEGAN.

KNOWLTON.

## REPORT "B."

The committee on Judiciary, to which was referred the bill entitled, "An Act amendatory of and additional to chapter forty of the Revised Statutes relating to Fish and Fisheries," have had the same under consideration, and ask leave to report the same in a new draft, under the title of "An Act amendatory of and additional to chapter forty of the Revised Statutes relating to Fish and Fisheries," and that it ought to pass.

Per order.

HAINES.

NOBLE.

HAMLIN.

NEW DRAFT.

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# Sixty-Seventh Legislature.

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## STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-FIVE.

---

AN ACT amendatory of and additional to chapter forty of  
the Revised Statutes, relating to Fish and Fisheries.

---

*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:*

SECTION 1. Section 33 of chapter 40 of the Revised  
2 Statutes is hereby amended so as to read as follows:

‘Section 33. The governor, with the advice and consent  
4 of council, shall immediately upon the approval of this  
5 act, appoint two persons, to be commissioners of inland  
6 fisheries and game, who shall hold their office for three  
7 years, and until their successors are appointed and quali-  
8 fied; they shall each receive a yearly salary of one thou-  
9 sand dollars. The land agent of the state shall also be a  
10 commissioner of inland fisheries and game who shall



11 receive a yearly salary of two hundred dollars, in addition  
12 to his salary as land agent. They shall receive, in addi-  
13 tion, their actual traveling expenses, to be audited by the  
14 governor and council. The three commissioners aforesaid  
15 shall act as a board. The governor, with the advice and  
16 consent of council, shall also appoint one other commis-  
17 sioner, who shall have general supervision of the sea and  
18 shore fisheries and shell fish regulated by this chapter,  
19 and perform all other duties prescribed by law. He shall  
20 hold office for three years, unless sooner removed, and  
21 shall receive the same salary now provided for such offices.'

SECT. 2. Chapter 40 of the Revised Statutes is hereby  
2 further amended by adding thereto the following sections :

'Section 75. Said commissioners of inland fisheries  
4 and Game shall examine dams and all other obstructions  
5 existing in all rivers and streams, and determine the nec-  
6 essity of fish ways, and the location, form and capacity  
7 thereof; introduce and disseminate valuable species of  
8 food fish into the inland waters of the state. They shall  
9 examine into the workings of the inland fish and game  
10 laws, see that all violations thereof are duly prosecuted,  
11 and perform all other duties prescribed by law. They  
12 shall report annually all of their doings to the governor,  
13 on or before the thirty-first day of December, who shall  
14 cause three thousand copies to be printed.'

'Section 76. The commissioners of inland fisheries and  
16 Game shall have authority, upon petition of five or more  
17 citizens of the state, or whenever they shall deem it for  
18 the best interest of the state, after due notice and public  
19 hearing in the locality to be affected, to regulate the man-  
20 ner, conditions and circumstances under which game and

21 inland fish may be taken ; but they cannot authorize the  
22 taking of game or inland fish at a time in which so doing  
23 is prohibited by general laws of the state.'

'Section 77. They may adopt, and from time to time  
25 modify or repeal, such needful rules and regulations  
26 respecting the manner, conditions and circumstances under  
27 which inland fish and game may be taken, not contrary to  
28 the general laws of the state, as they may deem necessary  
29 or proper for the protection and preservation of the game  
30 and inland fish of the state, in conformity with the provi-  
31 sions of section 76 of this chapter.'

'Section 78. They shall file in the office of the clerks  
33 of the cities, towns and plantations in the territory to be  
34 affected a copy of the rules and regulations adopted by  
35 them, applicable to such territory, and publish the same  
36 three weeks successively in a newspaper printed in the  
37 county and post on the banks of waters to be affected as  
38 near as may be like notices ; and whenever any such rules  
39 or regulations apply to any unorganized township, a like  
40 copy shall be filed with the clerk of courts of that county  
41 and published three weeks successively in a newspaper  
42 printed in the county ; they shall also immediately upon  
43 the adoption of any rules and regulations contemplated  
44 by this act file an attested copy of the same in the office  
45 of the secretary of state.

'Section 79. Whoever fishes for, takes, catches, kills  
47 or destroys any inland fish, in any manner or at any time,  
48 in violation of any of the rules and regulations of the  
49 commissioners of inland fisheries and game, made and  
50 promulgated in conformity with the provisions of this  
51 chapter, shall be punished in the same manner and to the

52 same extent as is provided for by law for the illegal tak-  
53 ing, catching, killing or destroying any such inland fish.'

'Section 80. Whoever at any time or in any manner  
55 shall hunt, chase, catch, kill, take, have in possession or  
56 destroy any inland game in violation of any of the rules  
57 and regulations of the commissioners of inland fisheries  
58 and game made and promulgated in conformity with the  
59 provisions of this chapter, shall be punished in the same  
60 manner and to the same extent as is provided for by law  
61 for the illegal hunting, chasing, catching, killing, taking,  
62 having in possession, or destroying any such game.'

'Section 81. Any person who wilfully mutilates,  
64 defaces, or destroys any notice, rule or regulation of the  
65 commissioners of inland fisheries and game, posted in  
66 conformity with the provisions of this act, shall be  
6 punished by a fine not exceeding fifty dollars, to be  
68 recovered by complaint or indictment; one half of said  
69 fine shall be paid to the prosecutor.'

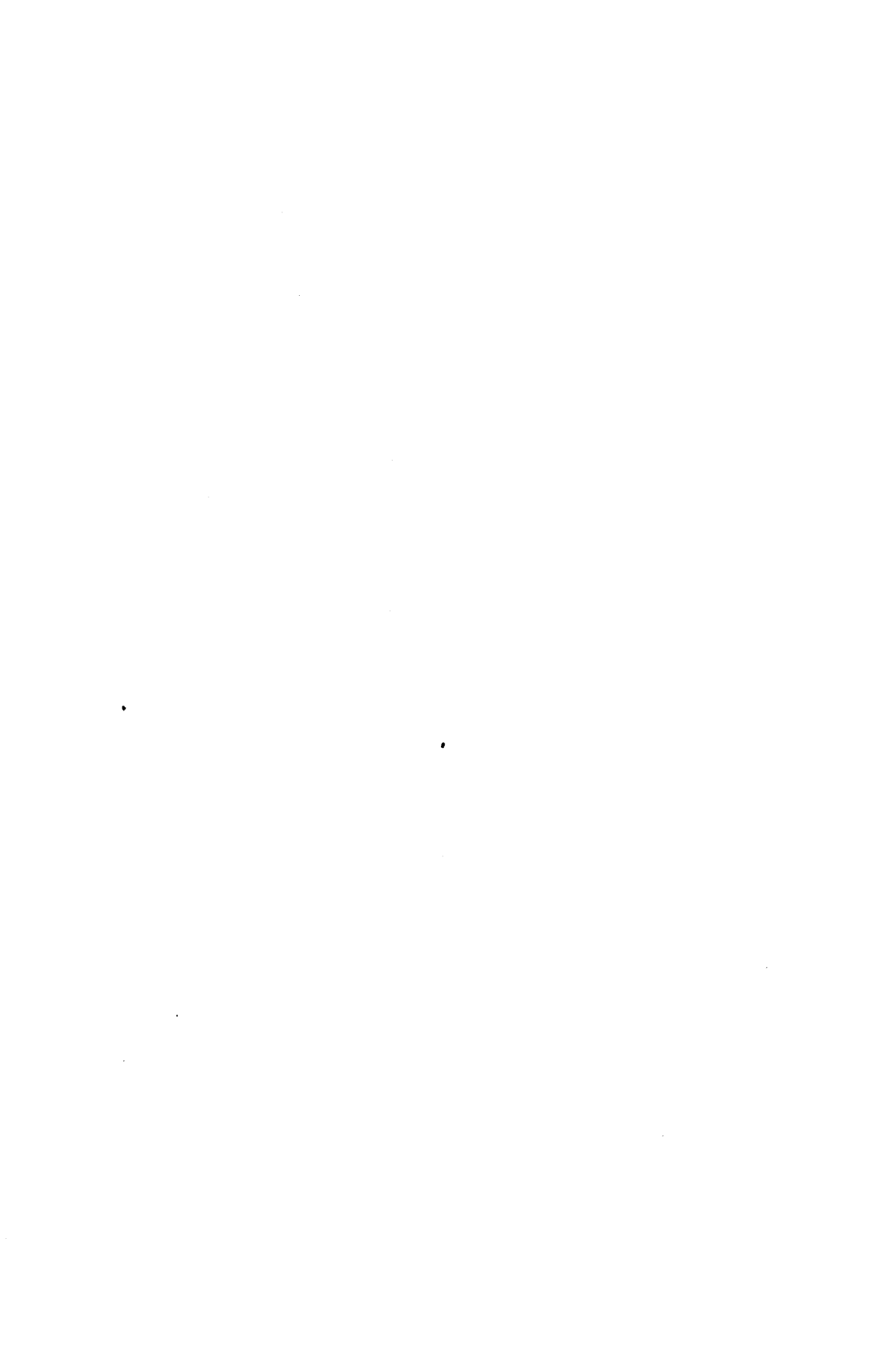
'Section 82. All acts and parts of acts inconsistent  
71 with this act are hereby repealed.'

SECT. 3. Section 40 of chapter 40, and sections 15 and  
2 16 of chapter 30 of the Revised Statutes and all amend-  
3 ments thereto are hereby repealed.

SECT. 4. The governor with the advice and consent of  
2 council, upon the recommendation of the commissioners  
3 of inland sheries and game, may appoint suitable per-  
4 sons as fish and game wardens, who shall hold office  
5 for a term of three years unless sooner removed; who  
6 shall enforce all laws relating to inland game and fisheries,  
7 and rules and regulations relating thereto, arrest all viola-  
8 tors thereof, and prosecute all offences against the same;

9 they shall have the same power to serve criminal pro-  
10 cesses against such offenders, and shall be allowed the  
11 same fees as sheriffs for like services ; they shall have the  
12 same right as sheriffs to require aid in executing the  
13 duties of their office. They shall before being qualified  
14 to discharge the duties required by this act, give bond  
15 with two good and sufficient sureties in the penal sum of  
16 two thousand dollars, approved by the commissioner of  
17 inland fisheries and game, to the treasurer of the state.  
18 Conditioned for the faithful performance of the duties of  
19 their office.

SECT. 5. The governor with the advice and consent of  
2 council, upon the recommendation of the commissioner of  
3 sea and shore fisheries may appoint suitable persons as  
4 fish wardens, who shall hold office for a term of three  
5 years unless sooner removed, who shall enforce all laws,  
6 and the rules and regulations relating to sea and shore  
7 fisheries, arrest all violators thereof, and prosecute all  
8 offences against the same ; they shall have the same power  
9 to serve criminal processes against such offenders, and  
10 shall be allowed the same fees as sheriffs for like services ;  
11 they shall have the same right as sheriffs to require aid in  
12 executing the duties of their office. They shall before  
13 being qualified to discharge the duties required by this act  
14 give bond with two good and sufficient sureties in the  
15 penal sum of two thousand dollars approved by the com-  
16 missioner of sea and shore fisheries, to the treasurer of  
17 the state. Conditioned for the faithful performance of the  
18 duties of their office.



### REPORT "C."

The Committee on Judiciary to which was referred the bill, entitled "An Act amendatory of chapter forty of the Revised Statutes, relating to Fish and Fisheries" have had the same under consideration, and ask leave to report the same in a new draft, under title of "An Act amendatory of chapter forty of the Revised Statutes, relating to Fish and Fisheries," and that it ought to pass.

SAVAGE,  
SPOFFORD.



STATE OF MAINE.

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IN SENATE, February 20, 1895.

Pending acceptance of Report "A," "B" or "C," laid on table to be printed on motion by Mr. HIGGINS of York.

KENDALL M. DUNBAR, *Secretary.*