

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 85

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT to amend section three of chapter forty-one of the Revised Statutes of nineteen hundred and three as amended by Chapter one hundred and eight of the Public Laws of nineteen hundred and five, relating to Sea and Shore Fisheries.

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

Section 1. Section three of chapter forty-one of the Revised Statutes of nineteen hundred and three as amended by chapter one hundred and eight of the Public Laws of nineteen hundred and five is hereby further amended by inserting after the word "chapter" in the sixteenth line the words "if any illegal lobsters are found in a lobster car, trap, net, barrel, box or package, the entire contents may

8 be seized,' and by striking out after the word "law" in the
9 eighteenth line the word 'but,' so that said section as amended
10 shall read as follows:

'Sect. 3. The fish wardens shall enforce all laws relating
12 to the sea and shore fisheries within the counties in which
13 they respectively reside, but they shall not exercise juris-
14 diction in any other county unless so instructed in writing
15 by the commissioner of sea and shore fisheries.

'The commissioner of sea and shore fisheries and fish war-
17 dens may with or without a warrant arrest any person whom
18 they may have reasonable grounds to believe guilty of vio-
19 lating any of the provisions of this chapter, and may with
20 or without a warrant enter upon, open and search any ves-
21 sel, boat, building, car, trap or other receptacle or place
22 where they have reasonable grounds to believe that fish or
23 lobsters liable to seizure are to be found, and seize and carry
24 away all fish or lobsters liable to seizure found therein, and
25 any lobster car, trap, net, barrel, box or package in which
26 the same are found or which are liable to seizure under
27 any of the provisions of this chapter; if any illegal lobsters
28 are found in a lobster car, trap, net, barrel, box or package
29 the entire contents may be seized, the fish, lobsters or other
30 property thus seized to be disposed of according to law.
31 No dwelling house or hotel shall be searched without a
32 warrant issued for that purpose, and then only in the day
33 time, and no lobster car, marked with the name of the
34 owner as required by law, shall be opened or bailed by any

35 officer without a warrant, until notice of such intended
36 search has been given to the owner of such car or person
37 having the same in charge or such notice has been left at
38 the residence or place of business of such owner or person.
39 Any magistrate may issue warrants to search within his
40 jurisdiction any dwelling house or hotel in the day time,
41 or any building, vessel, boat, or receptacle for fish or lob-
42 sters, or any place or places used therefor to the commis-
43 sioner of sea and shore fisheries, or fish warden appointed
44 and qualified as provided in this chapter. Such warrants
45 shall issue subject to the requirements of section thirteen
46 of chapter one hundred and thirty-three.'

STATE OF MAINE.

IN SENATE,

January 29, 1909.

Reported by Mr. WYMAN from the Committee on Shore Fisheries and ordered printed and recommitted.

F. G. FARRINGTON, *Secretary.*