

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 292

In Senate, March 9, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Inland Fisheries and Game.

Committee on Reference.

Presented by Mr. Allen of Kennebec.

STATE OF MAINE

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

AN ACT to correct certain clerical errors in, and to amend, chapter thirty-two of the Revised Statutes, as amended by chapter two hundred and six of the Public Laws of nineteen hundred and thirteen, relating to Inland Fisheries and Game.

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

Section 1. The first five paragraphs of section two of
2 chapter thirty-two of the revised statutes, as amended by
3 chapter two hundred and six of the public laws of nineteen
4 hundred and thirteen, are hereby amended by striking out
5 all of said paragraphs and by substituting therefor the fol-
6 lowing paragraphs:

'Sect. 2. Except as hereinafter provided, there shall be
8 an annual closed season on landlocked salmon, trout, togue,
9 white perch and black bass, in all the lakes and ponds of the
10 state, as follows:

On landlocked salmon, trout and togue, from the thirtieth
12 day of September until the ice is out of the lake or pond
13 fished in the following spring; on white perch and black
14 bass from the thirtieth day of September until the twentieth
15 day of June following; provided, however, that it shall be
16 lawful to take black bass, with unbaited artificial flies only,
17 from the time the ice is out of the lake or pond fished in
18 the spring until the twentieth day of June following; pro-
19 vided, further, that in Sebago lake and Long pond, in Cum-
20 berland county, the annual closed season on landlocked
21 salmon, trout and black bass shall be from the first day of
22 October to the thirty-first day of March of the following
23 year, both days inclusive, and in Thompson pond, situated
24 in Androscoggin, Cumberland and Oxford counties, the
25 annual closed season on landlocked salmon, trout and togue
26 shall be from September first to January first of the fol-
27 lowing year. But in the brooks, streams and rivers of the
28 state, above tide waters, the annual closed season on trout,
29 salmon and landlocked salmon shall be from September fif-
30 teenth to the time the ice is out of the brook, stream or river
31 fished in the following spring; on black bass and white perch
32 from September thirtieth to June twentieth of the following
33 year. During the respective closed seasons on the above

34 named fish no person shall fish for, take, catch, kill or have
35 any of them in possession; provided, however, that no per-
36 son shall in any one day during the respective open seasons
37 herein provided take, catch or have in possession at any
38 time, more than fifteen pounds in all of the above named
39 fish, unless one individual fish caught shall weigh more than
40 fifteen pounds, or unless the last fish caught increases the
41 combined weight thereof to more than fifteen pounds, and
42 provided, further, that no person in any one day shall take,
43 catch, kill or have in possession at any time more than twen-
44 ty-five fish in all of the above named fish even though the
45 twenty-five fish caught and killed weigh less than fifteen
46 pounds; provided, however, that no person or party or oc-
47 cupants of any one boat, canoe, raft or other vessel or con-
48 veyance propelled by steam, electricity, hand or other power
49 shall catch by still or plug-fishing, so called, more than four
50 trout and landlocked salmon in any one day, collectively,
51 nor more than two trout and landlocked salmon in any one
52 day individually, in the waters of Rangeley, Richardson,
53 Mooselookmeguntic and Cupsuptic lakes, situated in the
54 counties of Franklin and Oxford; provided, further, that
55 landlocked salmon and trout may be caught by artificial fly
56 until October first in Moose river, between Moosehead lake
57 and Brassua lake, in Somerset county. It shall be unlawful
58 to fish through the ice at any time for any kind of fish ex-
59 cept as hereinafter provided: Pickerel may be taken at any
60 time through the ice in any waters open to ice fishing as

61 hereinafter provided, with not more than five set lines to
62 each family when fishing through the ice in the day time
63 and when under the immediate personal supervision of the
64 person fishing, and during February and March, citizens of
65 the state may fish for and take landlocked salmon, trout,
66 togue, white perch and black bass with not more than five
67 set lines to each family when fishing through the ice in the
68 day time and when under the immediate personal super-
69 vision of the person fishing and may convey them to their
70 own home for consumption therein but not otherwise, in
71 the following named and specified lakes, ponds and rivers,
72 but in no other waters, namely:'

Sect. 2. The seventh paragraph of section two of chap-
2 ter thirty-two of the revised statutes, as amended by chap-
3 ter two hundred and six of the public laws of nineteen hun-
4 dred and thirteen, is hereby amended by striking out all of
5 said paragraph and by substituting therefor the following
6 paragraph:

'And provided, further, that no landlocked salmon less than
8 twelve inches in length, no trout less than six inches in
9 length, no black bass less than ten inches in length and no
10 white perch less than six inches in length shall be caught,
11 killed or had in possession by any person at any time, ex-
12 cept that in Great, Long, East, North, Ellis, McGraw and
13 Snow ponds, said lakes being part of the Belgrade chain
14 of lakes, in Kennebec and Somerset counties, no trout less

15 than ten inches or black bass less than twelve inches in
16 length shall be caught and killed at any time; and provided,
17 further, that no person shall take, catch or kill in any one
18 day more than six black bass in all in either of said ponds
19 or in Lake Kezar or in Lower Kezar pond in Oxford county.'

Sect. 3. Section four of chapter thirty-two of the revised
2 statutes, as amended by chapter two hundred and six of the
3 public laws of nineteen hundred and thirteen, is hereby
4 amended by inserting the words 'directly or indirectly' after
5 the word "flowing" in the third line thereof, so that said
6 section, as amended, shall read as follows:

'Sect. 4. The words "tributary" and "tributaries" wher-
8 ever used in this chapter shall be construed to mean brooks
9 or streams flowing directly or indirectly into a lake or pond
10 or into another brook or stream, and one great pond or lake
11 shall not be construed as a tributary to another great pond
12 or lake.'

Sect. 4. Section six of chapter thirty-two of the revised
2 statutes, as amended by chapter two hundred and six of the
3 public laws of nineteen hundred and thirteen, is hereby
4 amended by striking out the words "with more than one
5 prong" in the third line thereof, so that said section, as
6 amended, shall read as follows:

'Sect. 6. Whoever fishes for, takes, catches, kills or de-
8 stroys any fish, with fish spawn, or grapnel, spear, trawl,
9 weir, gaff, seine, trap (or set lines, except when fishing
10 through the ice, and then with not more than five set lines

11 to a family in the day time), or shall use any dynamite or
12 other explosive or poisonous or stupefying substance for
13 the purpose of destroying or taking fish, or takes any kind
14 of fish with any device, or in any other way than by the
15 ordinary mode of angling with single baited hooks and lines,
16 artificial flies, artificial minnows, artificial insects, spoon
17 hooks and spinners, so called, shall pay a fine of not less
18 than ten nor more than thirty dollars, and costs of prose-
19 cution, for each offense, and in addition thereto one dollar
20 for each fish taken, caught, killed or had in possession in
21 violation of any provision of this section; and when pro-
22 hibited implements or devices are found in use or posses-
23 sion they are forfeit and contraband and any person finding
24 them in use may destroy them.'

Sect. 5. Section seven of chapter thirty-two of the re-
2 vised statutes, as amended by chapter two hundred and six
3 of the public laws of nineteen hundred and thirteen, is here-
4 by amended by striking out all of said section and by sub-
5 stituting therefor the following section:

'Sect. 7. No person shall have in possession at any time
7 any jack light, spear, trawl, or net, other than a dip net,
8 in any camp, lodge or place of resort for hunters or fisher-
9 men, or in its immediate vicinity, or on any of the lakes,
10 rivers or streams of the state, or in their immediate vicinity,
11 in the inland territory of the state, under a penalty of not
12 less than ten dollars nor more than thirty dollars and costs
13 of prosecution for each offense, and when such implements

14 or devices are found in possession in violation of this sec-
15 tion they are forfeit and contraband and may be seized by
16 any person authorized to enforce the inland fish and game
17 laws.'

Sect. 6. Section eight of chapter thirty-two of the revised
2 statutes, as amended by chapter two hundred and six of
3 the public laws of nineteen hundred and thirteen, is hereby
4 amended by striking out all of said section and by substi-
5 tuting therefor the following section:

'Sect. 8. It shall be lawful, however, to take smelts in all
7 the inland waters of the state above tide waters with a dip
8 net in the usual and ordinary way, and to catch them through
9 the ice in the day time with single hook and line at any
10 time in waters open to ice fishing, but they shall not be taken
11 for sale or sold at any time except for bait for fishing in
12 this state; provided, however, that it shall be lawful to take
13 smelts at any time for sale in any of the tributaries to Se-
14 bago lake, with a dip net in the usual and ordinary way,
15 and in Sebago lake, with single hook and line, during Jan-
16 uary, February and March of each year; provided, further,
17 that it shall be lawful to take minnows and other fish usu-
18 ally used for bait in fishing and to sell the same for bait
19 for fishing only in this state; and provided, further, that it
20 shall be lawful to catch white fish and cusk with single hook
21 and line at any time; and provided, further, that it shall
22 be lawful to take suckers with spears during April and May
23 of each year.

Whoever violates any provision of this section shall pay a
25 fine of thirty dollars and costs for each offense.'

Sect. 7. Section ten of chapter thirty-two of the revised
2 statutes, as amended by chapter two hundred and six of the
3 public laws of nineteen hundred and thirteen, is hereby
4 amended by striking out all of said section and by substi-
5 tuting therefor the following section:

'Sect. 10. No person shall transport more than fifteen
7 pounds of landlocked salmon, trout, togue, white perch or
8 black bass in all in any one day, nor shall any corporation
9 or common carrier transport more than fifteen pounds in
10 all, of landlocked salmon, trout, togue, white perch or black
11 bass in any one day as the property of one person, but noth-
12 ing herein contained shall prevent any person, corporation
13 or common carrier from transporting one fish weighing more
14 than fifteen pounds; nor shall any such be transported ex-
15 cept in the possession of the owner thereof, plainly labeled
16 with the owner's name and residence, and open to view,
17 except as is provided in the following section. Whoever
18 violates any provision of this section shall pay a fine of not
19 less than ten dollars nor more than thirty dollars and costs,
20 for each offense, and in addition thereto one dollar for every
21 pound of fish being transported in violation of any pro-
22 vision of this section; and all such fish being so transported
23 in violation of this section may be seized and shall be for-
24 feited to the state; provided, however, that nothing herein
25 contained shall prohibit any person having less than twenty-

26 five fish weighing in all less than fifteen pounds from trans-
27 porting one additional fish, nor prohibit any transportation
28 company from transporting said additional fish under the
29 conditions prescribed in this section for the transportation
30 of fish.'

Sect. 8. Section eleven of chapter thirty-two of the re-
2 vised statutes, as amended by chapter two hundred and six
3 of the public laws of nineteen hundred and thirteen, is here-
4 by amended by adding thereto the following: 'Whoever
5 violates any provision of this section shall pay a fine of not
6 less than ten dollars nor more than thirty dollars and costs,
7 for each offense, and in addition thereto one dollar for each
8 pound of fish transported in violation of any provision of
9 this section,' so that said section, as amended, shall read as
10 follows:

'Sect. 11. No landlocked salmon, trout, togue, black bass
12 or white perch shall be carried or transported in any way
13 except in the possession of the owner, accompanied by him,
14 plainly labeled with the owner's name and address, and open
15 to view, except any person who has lawfully in his posses-
16 sion one landlocked salmon, one trout, one togue, one black
17 bass or one white perch, or ten pounds of either kind of
18 these fish, may transport the same to his home or to any
19 hospital in this state without accompanying the shipment,
20 by purchasing of the duly constituted agent therefor a tag,
21 paying for a landlocked salmon, trout, togue or black bass,
22 one dollar for each, or one dollar for each ten pounds of

23 the same, and fifty cents for one white perch or ten pounds
24 of the same; provided, however, that no person shall, under
25 any of these provisions, send more than one box of fish
26 once in thirty days, except that one box of fish as aforesaid,
27 may be sent as herein specified once in ten days by one per-
28 son taking them lawfully from Moosehead lake. Whoever
29 violates any provision of this section shall pay a fine of not
30 less than ten dollars nor more than thirty dollars and costs,
31 for each offense, and in addition thereto one dollar for each
32 pound of fish transported in violation of any provision of
33 this section.'

Sect. 9. Section twenty-three of chapter thirty-two of
2 the revised statutes, as amended by chapter two hundred
3 and six of the public laws of nineteen hundred and thir-
4 teen, is hereby amended by adding at the end of said sec-
5 tion the following: 'Either party if aggrieved by a decision
6 of the county commissioners rendered in conformity with
7 the provisions of this section, may appeal as in a civil
8 action to the Supreme Judicial Court in the county in which
9 the land is situated,' so that said section, as amended, shall
10 read as follows:

'Sect. 23. The commissioners of inland fisheries and
12 game for the location, construction, repair and convenient
13 operation of a fish hatchery or fish hatcheries and feeding
14 stations for fish may purchase, lease or take and hold, for
15 and in behalf of the state, as for public uses, land and all
16 materials in and upon it necessary for the purpose of estab-

17 lishing, erecting and operating fish hatcheries. For real
18 estate so taken, the owners are entitled to damages, to be
19 paid by the state and estimated by the county commissioners,
20 on written application of either party, made within one
21 year after filing the location as hereinafter provided, or
22 if proceedings thus commenced fail for causes not affect-
23 ing the merits, new ones may be commenced within one
24 year thereafter. When the commissioners of inland fish-
25 eries and game deem that a public exigency requires the
26 taking of any land or rights for the purposes aforesaid,
27 they shall cause the same to be surveyed, located, and so
28 described that the same can be identified, and a plan there-
29 of shall be filed in the registry of deeds in the county (or
30 registry district) where the land or rights are located, and
31 there recorded. The filing of such plan and description
32 shall vest the title to the land and right aforesaid, in the
33 State of Maine, or its grantees, to be held during the pleas-
34 ure of the state. Either party if aggrieved by a decision of
35 the county commissioners rendered in conformity with the
36 provisions of this section, may appeal as in a civil action to
37 the Supreme Judicial Court in the county in which the
38 land is situated.'

Sect. 10. Section twenty-six of chapter thirty-two of
2 the revised statutes, as amended by chapter two hundred
3 and six of the public laws of nineteen hundred and thir-
4 teen, is hereby amended by adding thereto the following:

'Provided, however, that nothing in this section shall be

6 construed as prohibiting the sale of pickerel legally taken
7 by the person taking the same,' so that said section, as
8 amended, shall read as follows:

'Sect. 26. Whoever shall, for the whole or any part of
10 the time, engage in the business or occupation of fishing on
11 any of the inland waters of the state above tide waters,
12 for landlocked salmon, togue, trout, black bass, pickerel,
13 or white perch, for gain or hire, shall for every such of-
14 fense pay a fine of fifty dollars and costs. Provided, how-
15 ever, that nothing in this section shall be construed as pro-
16 hibiting the sale of pickerel legally taken by the person tak-
17 ing the same.'

Sect. 11. Section forty-four of chapter thirty-two of the
2 revised statutes, as amended by chapter two hundred and
3 six of the public laws of nineteen hundred and thirteen,
4 is hereby amended by adding thereto the following: 'and
5 when such prohibited implements or devices are found in
6 possession they are forfeit and contraband and may be
7 seized by any person authorized to enforce the inland fish
8 and game laws,' so that said section, as amended, shall read
9 as follows:

'Sect. 44. Whoever at any time or at any place with any
11 trap, net, snare or contrivance other than the usual method
12 of shooting with firearms takes any bird of any variety in
13 anywise protected by this chapter shall pay a fine of five
14 dollars and costs for each bird so taken, and when such
15 prohibited implements or devices are found in possession

16 they are forfeit and contraband and may be seized by any
17 person authorized to enforce the inland fish and game laws.'

Sect. 12. Section fifty of chapter thirty-two of the re-
2 vised statutes, as amended by chapter two hundred and six
3 of the public laws of nineteen hundred and thirteen, is here-
4 by amended by striking out all of said section and by sub-
5 stituting therefor the following section:

'Sect. 50. Sunday is a closed season, on which it is not
7 lawful to hunt, kill or destroy any wild animals or wild
8 birds of any kind. Whoever hunts, kills or destroys any
9 protected wild animal or wild bird on Sunday shall be
10 subject to the same penalty as is imposed therefor during
11 other closed season; whoever hunts, kills or destroys any
12 unprotected wild animal or wild bird on Sunday shall pay
13 a fine of not less than ten dollars nor more than thirty dol-
14 lars and costs for each offense; but the penalties imposed
15 for the violation of the Sunday laws by the statutes of this
16 state are not hereby repealed or diminished.'

Sect. 13. Section fifty-five of chapter thirty-two of the
2 revised statutes, as amended by chapter two hundred and
3 six of the public laws of nineteen hundred and thirteen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 55. It shall be unlawful for any unnaturalized for-
7 eign-born person who is not a taxpayer upon real or per-
8 sonal property within this state and who has not resided
9 within the limits of this state for two years continuously

10 prior to the time he desires to hunt, to hunt in any manner,
11 at any time, or pursue, catch, kill or have in possession any
12 wild animals or birds, within the limits of this state, unless
13 he is annually licensed so to do as hereinafter provided.

The Commissioners of Inland Fisheries and Game, upon
15 the application of any unnaturalized foreign-born person
16 who is a resident of any city, town or plantation within the
17 state, and upon the payment of a fee of fifteen dollars may
18 issue to such person a license upon a form to be supplied
19 by them, bearing the name, age and place of residence of the
20 licensee with a description of him as near as may be, au-
21 thorizing the said licensee to hunt and kill game birds, game
22 or other wild animals on any lands on which said hunting
23 or killing is not forbidden by law, or by written or printed
24 notices posted thereon by the owner, lessee or occupant
25 thereof. Such license shall authorize the hunting or killing
26 of game birds, game or other wild animals only in their re-
27 spective open seasons and in the manner provided by law.
28 Said licenses shall not be transferable and shall be exhibited
29 upon demand to any of the Commissioners of Inland Fish-
30 eries and Game, and to any fish and game warden or dep-
31 uty inland fish and game warden, and to any sheriff, con-
32 stable, police officer or other officer qualified to serve process.
33 The fees received from said licenses shall annually be paid
34 into the state treasury.

No unnaturalized, foreign-born person required to be li-
36 censed under the provisions of this section shall have in

37 possession, when he is upon the wild lands or in the woods
38 or fields of the state, any firearm or firearms unless he is
39 licensed as herein provided and all firearms found in his
40 possession in violation of this section shall be forfeit and
41 contraband and may be seized by any person authorized to
42 enforce the inland fish and game laws. All firearms seized
43 by virtue of this section shall forthwith be forwarded to the
44 Commissioners at Augusta by the person seizing the same,
45 and upon conviction of the person or persons from whom
46 they were seized said firearms shall be sold, the proceeds
47 from such sale to be paid to the Treasurer of State.

Whoever violates any provision of this section shall pay
49 a fine of \$25 and costs for each offense.'

Sect. 14. Section fifty-nine of chapter thirty-two of the
2 revised statutes, as amended by chapter two hundred and
3 six of the public laws of nineteen hundred and thirteen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 59. No person shall at any time set a snare for any
7 fur-bearing animal, nor shall any person at any time set
8 any trap or traps of any kind for any wild animal without
9 having the trap or traps plainly labeled with his full name
10 and address, either by having the same stamped on the trap
11 or on a metal tag, firmly attached to the trap. Whoever vio-
12 lates this section shall pay a fine of five dollars and costs
13 for each offense and in addition thereto five dollars for each
14 trap set and not marked as provided herein, and forfeit

15 the trap or traps, and any wild animal found therein, to any
16 person finding the same.

Provided, further, that no person shall set a bear trap
18 at any time unless the same is enclosed in a hut, so-called,
19 and unless a written or printed notice stating that such a
20 trap has been set is posted conspicuously in the immediate
21 vicinity, under a penalty of \$50 and costs for each offense.'

Sect. 15. Section sixty of chapter thirty-two of the revised
2 statutes, as amended by chapter two hundred and six of
3 the public laws of nineteen hundred and thirteen, is hereby
4 amended by inserting after the word "any" in the first line
5 thereof the words 'organized or' and by inserting after the
6 word "any" in the fifth line thereof the words 'organized
7 or,' so that said section, as amended, shall read as follows:

'Sect. 60. Any person setting a trap in any organized or
9 incorporated place shall visit said trap, or cause the same
10 to be visited, at least once in every twenty-four hours and
11 remove therefrom, or cause to be removed, any animal found
12 caught therein. No person shall set traps in any organized
13 or incorporated place without first obtaining the written
14 consent of the owner or occupant of the land on which said
15 traps are to be set. Whoever violates any provision of this
16 section shall pay a fine of not less than ten nor more than
17 fifty dollars and costs for each offense.'

Sect. 16. Section sixty-one of chapter thirty-two of the
2 revised statutes, as amended by chapter two hundred and
3 six of the public laws of nineteen hundred and thirteen, is

4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

‘Sect. 61. The Commissioners of Inland Fisheries and
7 Game may annually issue licenses to residents of this state
8 to buy and sell or tan deer skins, and the heads of deer if
9 not detached from the skins, during open season on deer.
10 Such licensee shall keep a record, which shall be open to
11 inspection by the Commissioners of Inland Fisheries and
12 Game or any person authorized to enforce the inland fish
13 and game laws, of all such heads and skins purchased, of
14 whom purchased and the date of each purchase, and shall
15 send such record annually to the Commissioners of Inland
16 Fisheries and Game on or before the twentieth day of De-
17 cember of each year. The fee for such license shall be ten
18 dollars, to be paid to the said commissioners. All deer skins
19 and deer heads purchased by virtue of this section shall
20 be transported only under such rules, restrictions and limita-
21 tions as shall, from time to time, be made by said commis-
22 sioners. Whoever buys any skins or heads of deer without
23 being licensed as herein provided, or whoever, licensed as
24 aforesaid, neglects to keep the record and forward the same
25 to said commissioners as herein provided, or whoever re-
26 fuses to exhibit said record upon request to the Commis-
27 sioners of Inland Fisheries and Game or to any person au-
28 thorized to enforce the inland fish and game laws, shall pay
29 a fine of fifty dollars and costs for each offense.’

Sect. 17. Section sixty-two of chapter thirty-two of the
2 revised statutes, as amended by chapter two hundred and
3 six of the public laws of nineteen hundred and thirteen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

‘Sect. 62. The Commissioners of Inland Fisheries and
7 Game may annually issue licenses to residents of this state
8 to engage in the business of buying otter, sable or fisher skins
9 or the skins of any other fur-bearing animals. Said li-
10 censee shall keep a record, which shall be open to inspection
11 by the Commissioners of Inland Fisheries and Game or
12 any person authorized to enforce the inland fish and game
13 laws, of all skins purchased, as aforesaid, in an appropriate
14 book furnished them by the said commissioners, and shall
15 send such record, under oath, to said commissioners on or
16 before the twentieth day of December of each year. The
17 fee for such license shall be two dollars to be paid to the
18 said commissioners. Whoever buys any skins of otter, sable
19 or fisher or the skins of any other fur-bearing animals with-
20 out being licensed as herein provided, or whoever, licensed
21 as aforesaid, neglects to keep the record and forward the
22 same to said commissioners as herein provided, or whoever
23 refuses to exhibit said book for inspection by the Commis-
24 sioners of Inland Fisheries and Game or any person author-
25 ized to enforce the inland fish and game laws, shall pay a fine
26 of ten dollars and costs for each offense. All skins of fur-
27 bearing animals bought in violation of the provisions of this

28 section shall be forfeit and contraband and shall be seized
29 by any person authorized to enforce the inland fish and
30 game laws and upon conviction of the person or persons
31 from whom they were seized, they shall be sold, the pro-
32 ceeds from such sale to be paid to the treasurer of state.'