

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 453

House of Representatives, March 31, 1921.

Reported by Mr. O'Connell from Committee on Inland Fisheries and Game and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend Section Twenty-four of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, and Sections Ten and Seventy-five of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen, and Section Twenty-six of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hun-

dred and Nineteen, and Section Eighty-one of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, and Section Fifty-one of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapters One Hundred and Ninety-six and Two Hundred and Forty-nine of the Public Laws of Nineteen Hundred and Nineteen, and Sections Twenty-seven and Fifty-nine of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen and by Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, and Section Forty-six of Chapter Two Hundred and Nineteen and of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter One Hundred and Thirty-three of the Public Laws of Nineteen Hundred and Nineteen, Relating to Inland Fisheries and Game.

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

Section 1. Section ten of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended by chapter two hundred and forty-four of the public laws of nineteen hundred and seventeen, is hereby amended by inserting after the word "offenders" in the eighth line thereof the words 'and to arrest and prosecute

7 camp trespassers, or those suspected of larceny from any
8 cottage, camp or other building,' so that said section, as
9 amended, shall read as follows:

'Sect. 10. The governor, with the advice and consent of
2 the council, upon the recommendation of the commissioner
3 of inland fisheries and game, may appoint suitable persons
4 as inland fish and game wardens, who shall hold office for
5 a term of three years unless sooner removed, and who
6 shall enforce all laws relating to inland fisheries and game,
7 and all rules and regulations in relation thereto, arrest all
8 violators thereof, and prosecute all offenses against the
9 same; said inland fish and game wardens shall have the
10 same power to serve criminal processes against such of-
11 fenders, and to arrest and prosecute camp trespassers, or
12 those suspected of larceny from any cottage, camp or other
13 building, and shall be allowed the same fees as sheriffs,
14 for like services, and they shall have the same right as sher-
15 iffs to require aid in executing the duties of their office.
16 They shall, before being qualified to discharge the duties
17 required by this chapter, give bond to the treasurer of state,
18 in the sum of two thousand dollars, with two sureties, or
19 with a surety company authorized to do business in the
20 state, as surety, approved by the commissioner of inland
21 fish and game, conditioned for the faithful performance of
22 the duties of their office. Inland fish and game wardens
23 may serve all processes pertaining to the collection of pen-
24 alties for violation of the inland fish and game laws.'

Sect. 2. Section twenty-four of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen is hereby amended by striking out all of said section
4 and substituting therefor the following section:

'Sect. 24. Whoever uses any dynamite or any other ex-
2 plosive or poisonous or stupefying substance at any time for
3 the purpose of destroying any kind of fish or whoever
4 takes, kills or destroys any kind of fish at any time with
5 any dynamite or other explosive or poisonous or stupefy-
6 ing substance, shall pay a fine of not less than one hundred
7 dollars and costs for each offense or shall be imprisoned
8 to months in the county jail.

Whoever fishes for, takes, catches, kills or destroys any
2 fish, with fish spawn, or grapnel, spear, trawl, weir, gaff,
3 seine, trap (or set lines except when fishing through the
4 ice, and then with not more than five set lines to a family
5 in the day time, or five set lines to a person during Novem-
6 ber and December when fishing for pickerel), or takes any
7 kind of fish, except suckers, eels, hornpouts, yellow perch,
8 white fish and cusk, as hereinafter provided, with any de-
9 vice or in any other way than by the ordinary mode of
10 angling with single-baited hook and line, artificial flies, arti-
11 ficial minnows, artificial insects, spoon-hooks and spinners,
12 so-called, shall pay a fine of not less than ten, nor more
13 than thirty dollars, and costs of prosecution, for each of-
14 fense; and in addition thereto one dollar for each fish taken,
15 caught, killed or had in possession in violation of any pro-

16 vision of this section; and when any of the above named
17 prohibited implements, devices or substances are found in
18 use or possession they are forfeit and contraband and any
19 person finding them in use may destroy them.'

Sect. 3. Section twenty-six of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapter two hundred and forty-four
4 of the public laws of nineteen hundred and seventeen, and
5 by chapter one hundred and ninety-six of the public laws
6 of nineteen hundred and nineteen, is hereby amended by
7 inserting the words 'and cusk' after the words "white fish"
8 in the nineteenth line of said section, so that said section,
9 as amended, shall read as follows:

'Sect. 26. It shall be lawful, however, to take smelts in
2 all the inland waters of the state above tide waters with a
3 dip net in the usual and ordinary way, and to catch them
4 through the ice in the day time with single hook and line
5 at any time in waters open to ice fishing, but they shall not
6 be taken for sale or sold at any time except for bait for
7 fishing in this state; provided, however, that it shall be
8 lawful to take smelts, with single hook and line, in the day
9 time, in Sebago Lake for sale within or without the state,
10 during January, February and March of each year, but
11 they shall not be taken with a dip net in the tributaries to
12 Sebago Lake except for consumption as food in the family
13 of the person taking the same; and provided, further, that
14 it shall be unlawful to take smelts at any time in Swan Lake,
15 or in any of the tributaries to said lake, in the county of

16 Waldo, in any manner except with single hook and line.
17 Provided, further, that it shall be lawful to take minnows
18 and other fish usually used for bait in fishing, in all the
19 inland waters of the state, and to sell the same for bait
20 for fishing only in this state; and provided, further, that
21 it shall be lawful to catch white fish with single hook and
22 line at any time, in all the inland waters of the state, but
23 they shall not be taken at night with set lines; and pro-
24 vided, further, that white fish and cusk, may be taken, by
25 means of nets, for food purposes only in the family of
26 the person taking the same, in such waters as the commis-
27 sioner of inland fisheries and game may deem advisable,
28 and under such conditions, rules and regulations as he may
29 establish; and provided, further, that it shall be lawful to
30 catch cusk at any time in waters open to ice fishing with
31 not more than five set lines to each family when fishing
32 through the ice and when under the immediate personal
33 supervision of the person fishing; and provided, further,
34 that it shall be lawful to take suckers with spears, in all
35 the inland waters of the state, during April and May of
36 each year. Whoever violates any provision of this section
37 shall pay a fine of thirty dollars and costs for each offense.'

Sect. 4. Section twenty-seven of chapter two hundred
2 and nineteen of the public laws of nineteen hundred and
3 seventeen, as amended by chapter two hundred and forty-
4 four of the public laws of nineteen hundred and seventeen
5 and by chapter one hundred and ninety-six of the public
6 laws of nineteen hundred and nineteen, is hereby amended

7 by inserting the following paragraph after the word “es-
8 tablish” in the fourth line thereof: ‘Provided, further, that
9 said commissioner may grant permits to take alewives in
10 the inland waters of the state under such rules and regula-
11 tions as he may establish’; said section is hereby further
12 amended by inserting after the word “any” in the second
13 line of the second paragraph of said section the word ‘ale-
14 wives,’ so that said section, as amended, shall read as fol-
15 lows:

‘Sect. 27. The commissioner of inland fisheries and game
2 may grant permits to take suckers, eels, hornpouts and
3 yellow perch, by means of eel pots, traps, spears or nets,
4 in inland waters frequented by these fish, under such terms,
5 rules and regulations as he may establish.

Provided, further, that said commissioner may grant per-
2 mits to take alewives in the inland waters of the state un-
3 der such rules and regulations as he may establish.

It shall be unlawful for any person to take, catch, kill,
2 destroy or have in possession any alewives, suckers, eels,
3 hornpouts or yellow perch in violation of any provision of
4 this section, under a penalty of thirty dollars and costs for
5 each offense.’

Sect. 5. Section forty-six of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapter one hundred and thirty-three
4 of the public laws of nineteen hundred and nineteen, is here-
5 by amended by striking out all of said section and substitut-
6 ing therefor the following section:

‘Sect. 46. Whoever, from the first day of March to the
2 fourteenth day of the following October, both days inclu-
3 sive, hunts, traps, kills, pursues or catches any fur-bearing
4 animal (except bears, muskrats, raccoons, beaver, bobcats,
5 loupcevier, Canada lynx and weasels) or whoever, from
6 the first day of March to the thirty-first day of the follow-
7 ing August, both days inclusive, hunts, traps, kills, pursues
8 or catches any raccoon, or whoever from the fifteenth day
9 of May to the fourteenth day of the following October,
10 both days inclusive, hunts, traps, kills, pursues or catches
11 any muskrat, or whoever has in possession at any time any
12 fur-bearing animal or part thereof taken in close season,
13 shall pay a fine of ten dollars and costs for each offense
14 and in addition thereto three dollars for each fur-bearing
15 animal hunted, trapped, killed, pursued, caught or had in
16 possession in violation hereof. Provided, further, that it
17 shall be unlawful, under the same penalty, to take, catch,
18 trap, kill or destroy any muskrat or muskrats at any time
19 in Lower Kezar pond, in the town of Fryeburg, in the
20 county of Oxford, and in the town of Bridgton, in the coun-
21 ty of Cumberland, or in the outlet stream of said Lower
22 Kezar pond, or in the Kezar meadows, so-called, adjacent
23 to said pond (which meadows are bounded by the outlet
24 stream of said pond, by the old Saco river, by the “Up-
25 lands,” so-called, and by the “Upland” on the easterly side
26 of said meadows) or in the east bog, so-called, or in the
27 west bog, so-called, bounded by the “Uplands,” and on
28 the westerly side by a wire fence on land owned by E. C.

29 Buzzell; except that it shall be lawful to take muskrats
30 within said territory in the usual manner of trapping, in
31 accordance with the general statutes of the state, during
32 the months of March and April in each year. Provided,
33 further, it shall be unlawful to set a trap at any time with-
34 in twenty-five feet of, or to molest or destroy, a muskrat
35 house, under a penalty of ten dollars and costs for each
36 offense. Whoever at any time hunts, traps, kills, pursues,
37 catches or has in possession any beaver, or part thereof,
38 except as provided in the preceding section, or whoever,
39 at any time, molests or destroys a beaver house, shall pay
40 a fine of one hundred dollars and costs for each offense.
41 Provided, however, that any person may lawfully kill any
42 wild animal (other than beaver) or any wild bird found de-
43 stroying his property.'

Sect. 6. Section fifty-one of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapters one hundred and ninety-six
4 and two hundred and forty-nine of the public laws of nine-
5 teen hundred and nineteen, is hereby amended by striking
6 out all of said section and by substituting therefor the
7 following section:

'Sect. 51. No person shall at any time set a snare or a
2 swivel, pivot or set gun or use or deposit any poisonous
3 substance for any fur-bearing animal, under a penalty of
4 one hundred dollars and costs for each offense, and by
5 imprisonment for sixty days, and shall forfeit any such
6 snare, swivel, pivot or set gun, and any fur-bearing animal

7 found in such snare, or killed by such swivel, pivot or set
8 gun or poisonous substance to any person finding the same ;
9 provided, further, that no person shall at any time, under
10 a like penalty, advertise or give notice of the sale, or keep-
11 ing for sale, of any such snare, swivel, pivot or set gun,
12 or poisonous substance for fur-bearing animals; nor shall
13 any person at any time set any trap or traps of any kind
14 for any wild animal without having the trap or traps plain-
15 ly labeled with his full name and address, either by having
16 the same stamped on the trap, or on a metal tag firmly
17 attached to the trap, under a penalty of five dollars and
18 costs for each offense and in addition thereto five dollars
19 for each trap set and not marked as provided herein, and
20 shall forfeit to the state the trap or traps and any wild
21 animal found therein; provided, further, that no person
22 shall set a bear trap at any time unless the same is en-
23 closed in a hut, so-called, or by at least two strands of
24 barbed wire, one four and one five feet from the ground,
25 said wire to be securely held in position and to be not less
26 than five yards at any point from the enclosed trap, under
27 a penalty of fifty dollars and costs for each offense.'

Sect. 7. Section fifty-nine of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapter two hundred and forty-four of
4 the public laws of nineteen hundred and seventeen and by
5 chapter one hundred and ninety-six of the public laws of
6 nineteen hundred and nineteen, is hereby amended by strik-

7 ing out the last sentence of the first paragraph of said sec-
8 tion and by striking out the words "or a twenty-five dollar
9 license if bull moose are to be hunted" after the word "li-
10 cense" in the twelfth line of the second paragraph of said
11 section, and by striking out the words "or may exchange
12 said bird hunting license for a moose hunting license, so-
13 called, upon payment of an additional fee of twenty dollars,
14 and provided, further, that a person who has procured a
15 deer hunting license, so-called, may exchange said deer
16 hunting license for a moose hunting license, so-called, upon
17 payment of an additional fee of ten dollars" after the word
18 "dollars" in the sixteenth and seventeenth lines of the sec-
19 ond paragraph of said section, and by striking out the word
20 "ten" after the word "and" in the twenty-fourth line of
21 the second paragraph of said section and by substituting
22 therefor the word 'six,' so that said section, as amended,
23 shall read as follows :

'Sect. 59. Persons not bona fide residents of this state, and
2 actually domiciled herein, shall not hunt, pursue, take or
3 kill any deer, ducks, partridges, woodcock, or other wild
4 birds or wild animals, or have the same, or any part thereof,
5 in possession at any time without first having procured a
6 license therefor as hereinafter provided. Such licenses shall
7 be issued by the commissioner of inland fisheries and game,
8 upon application in writing and payment of fifteen dollars
9 to hunt deer, ducks, partridges, woodcock and other birds
10 and wild animals, except moose, during their respective

11 open seasons, and in the manner provided by law, in Octo-
12 ber, November and December, and such licenses shall be
13 known as the non-resident deer hunting licenses.

Provided, further, that to hunt ducks, and other birds and
2 wild animals in their respective open seasons, and in the
3 manner provided by law, in the counties of Aroostook,
4 Washington, Hancock, Penobscot, Piscataquis, Somerset,
5 Franklin and Oxford up to October first of each year a
6 license fee of five dollars shall be paid annually, and the
7 license issued upon payment of fish fee shall be known as
8 the non-resident bird hunting license. Provided, further,
9 that in the counties of Androscoggin, Cumberland, Knox,
10 Kennebec, Lincoln, Sagadahoc, Waldo and York such per-
11 son may procure a license for five dollars to hunt, in their
12 respective open seasons and in the manner provided by law,
13 ducks, partridges, woodcock and other birds and wild ani-
14 mals except during the month of November, during which
15 month a fifteen dollar license shall be required of non-resi-
16 dents in said counties. Provided, further, that a person
17 who has procured a bird hunting license, so-called, may
18 exchange said bird hunting license for a deer hunting li-
19 cense, so-called, upon payment of an additional fee of ten
20 dollars. A bird hunting license shall entitle the purchaser
21 to take to his home in addition as now provided, properly
22 tagged with the tag detached from his license, and open
23 to view, five partridges, ten ducks and six woodcock that
24 he himself lawfully killed under such rules and regulations

25 to be established by the commissioner as may be required
26 to carry out the true intent of this chapter and not incon-
27 sistent herewith.'

Sect. 8. Section seventy-five of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapter two hundred and forty-four
4 of the public laws of nineteen hundred and seventeen, is
5 hereby amended by inserting after the word "animal" in
6 the second line thereof the words 'or dead body or part
7 thereof,' and also by inserting after the word "animal" in
8 the third line thereof the words 'or dead body or part there-
9 of,' and also by striking out the words "except upon" in
10 the fourth line thereof, and by substituting therefor the
11 word 'without,' so that said section, as amended, shall
12 read as follows:

'Sect. 75. Whoever introduces or imports any wild bird
2 or wild animal, or dead body or part thereof, of any kind
3 or species into the state, or whoever receives or has in
4 possession such wild bird or wild animal, or dead body
5 or part thereof, so introduced or imported, without written
6 permission of the commissioner of inland fisheries and
7 game, shall forfeit not less than fifty dollars nor more than
8 five hundred dollars and costs for each offense.'

Sect. 9. Section eighty-one of chapter two hundred and
2 nineteen of the public laws of nineteen hundred and seven-
3 teen, as amended by chapter one hundred and ninety-six
4 of the public laws of nineteen hundred and nineteen, is

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

'Sect. 81. All birds, fish, game or other wild or fur-bearing
2 ing animals, or parts thereof, hunted, caught, killed, de-
3 stroyed, bought, sold, carried, transported, or found in pos-
4 session of any person or corporation in violation of any
5 provision of this chapter, or amendment thereof, shall be
6 liable to seizure, and in case of conviction for such viola-
7 tion the court shall declare the same forfeited to the state,
8 to be sold by the officer making such seizure for the bene-
9 fit of the state. Any person whose birds, fish, game or
10 other wild or fur-bearing animals, or parts thereof, have
11 been seized for violation of any game or fish law, shall
12 have the same returned to him on giving to the officer a
13 bond with sufficient sureties, who shall be residents of the
14 state, in double the amount of the fine for such violation,
15 conditioned that, if convicted of such violation, he will,
16 within thirty days thereafter, pay such fine and costs. If
17 he neglects or refuses to immediately give such bond and
18 take the birds, fish, game or other wild or fur-bearing ani-
19 mals, or parts thereof, so seized, he shall have no action
20 against the officer for such seizure or for the loss of the
21 birds, fish, game or other wild or fur-bearing animals, or
22 parts thereof, seized.

'In case the warden making the seizure finds that the birds,
2 fish, game or other wild, or fur-bearing animals, or parts
3 thereof, seized, will be unsuitable for food (or other use)

4 at the day fixed for the hearing on such seizure, he shall
5 dispose of the same for consumption in this state and shall
6 hold the proceeds of such sale subject to order of the court
7 for decision as to the right of the claimant to said birds,
8 fish, game or other wild, or fur-bearing animals, or parts
9 thereof. If the magistrate finds the claimant is not en-
10 titled to said birds, fish, game, or other wild, or fur-bear-
11 ing animals, or parts thereof, the officer making such seiz-
12 ure shall be ordered by the magistrate to forward the pro-
13 ceeds thereof to the commissioner of inland fisheries and
14 game, at Augusta, and by him to be paid to the treasurer
15 of state.'