

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 531

H. P. 834

House of Representatives, February 5, 1947.

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fowler of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relative to Seizure and Disposition of Game
and Equipment.**

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

Sec. 1. R. S., c. 33, § 107, amended. The 1st paragraph of section 107 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'All birds, fish, or animals, or parts thereof, hunted, bought, sold, carried, transported, **or any firearms, boats, or vehicles, used** or found in possession of any person in violation of the provisions of this chapter, or equipment possessed in violation of the provisions of this chapter, shall be contraband and shall be forfeited to the state. And in all cases where a warden may find birds, fish, or animals, or parts thereof, or equipment possessed in violation of the provisions of this chapter he may seize the same without a warrant, and keep them for a reasonable time. The officer who made such seizure, may within reasonable time file with a magistrate a libel against such birds, fish or animals, or parts thereof, **or any firearms, boats, or vehicles,** or any equipment **used or** possessed in violation of the provisions of this chapter (except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof),

setting forth their seizure by him, describing such birds, fish or animals, or parts thereof, **or any firearms, boats, or vehicles**, or equipment and that they were **used**, hunted, taken, caught, killed, or had in possession in violation of the provisions of this chapter, and pray for a decree of forfeiture thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same, to all persons interested, citing them to appear at the time and place appointed and show cause why said birds, fish or animals, or parts thereof, **or any firearms, boats, or vehicles**, or equipment **used or** possessed should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous places in the town or place where such birds, fish, or animals, or parts thereof, **or firearms, boats, or vehicles**, or equipment **used or** possessed were seized, or in such place or places as is ordered by the magistrate, 10 days at least before the day to which said libel is returnable. Copies shall be served on common carriers.'

Sec. 2. R. S., c. 33, § 107, amended. The 4th sentence of the 3rd paragraph of section 107 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'If the magistrate is, upon the hearing, satisfied that said birds, fish, or animals, or parts thereof, **or any firearms, boats, or vehicles**, or any equipment **used or** possessed were not had in possession in violation of the provisions of this chapter, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand.'

Sec. 3. R. S., c. 33, § 107, amended. The "FORM OF LIBEL" contained in section 107 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'FORM OF LIBEL
State of Maine

County of, ss. To a trial justice, judge or recorder of a municipal court, in and for said county:

The libel of, of shows that he has seized certain birds, fish, or animals, or parts thereof, **or firearms, boats, or vehicles**, or equipment **used or** possessed in violation of the provisions of chapter 33, of the revised statutes as revised, described as follows:

.....
.....

because the same were **used**, hunted, taken, caught, killed, or had in possession in violation of the provisions of this chapter, as follows:

.....
.....

which said articles were possessed at..... in said county of Wherefore he pray for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed)

Inland Fish and Game Warden'

Sec. 4. R. S., c. 33, § 107, amended. The last part of the last FORM in section 107 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'STATE OF MAINE

(L. S.)

.....ss.

To one of the
..... of the

WHEREAS it appears that due notice was given to all parties interested in the birds, fish, game, wild or fur-bearing animals, or parts thereof, **or firearms, boats, or vehicles**, or equipment described in the within libel of to appear before, esquire, a trial justice, judge of the municipal court, within and for the county of at in on the day of A. D. 19..... at o'clock in the noon, and show cause why said should not be declared forfeited. And no person appearing to claim the same, said are declared forfeited.

And of did appear and claim said and after hearing all the evidence I order said returned to said claimant. The same are declared forfeited and you are hereby ordered to turn the same over to the Commissioner of Inland Fisheries and Game.

Witness, esquire, said trial justice, judge of the
municipal court of the county of this day of
..... A. D. 19 ..

..... Trial Justice
Judge of Municipal Court

.....ss.A. D.

Pursuant to the above order to me directed, I have turned over the
within described to the Commissioner
of Inland Fisheries and Game.

.....
Inland Fish and Game Warden'