

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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1891.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1891.

court, authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs or other vessels, a description of the names, marks or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages or liquids, or by any junk dealer or dealer in second-hand articles, or by any vender of such syphons, boxes, cans, bottles, kegs or other vessels, the said magistrate shall, thereupon, issue a search warrant to search therefor.'

Approved March 31, 1891.

Chapter 126.

An Act to amend chapter two hundred and ninety-two of the Public Laws of eighteen hundred and eighty-nine, relating to the regulation of the Lobster Fisheries.

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

SECT. 1. Section five of chapter two hundred and ninety-two of the public laws of eighteen hundred and eighty-nine is hereby amended, so as to read as follows:

Sec. 5, ch. 292,
Public Laws, of
1889, amended.

SECT. 5. All barrels, boxes or other packages in transit containing lobsters, shall be marked with the full name of the shipper; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit containing lobsters, which are not marked by the full name of the shipper, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such lobsters as are of the prescribed length found in such barrels, boxes or packages, together with such barrels, boxes and packages, shall be forfeited and disposed of under the provisions of chapter ninety-eight of the revised statutes, unless the owner or person claiming the possession thereof appears within twenty-four hours from the time of seizure and gives the bond provided in said chapter ninety-eight, or pay, for the use of the state, to the officer making such seizure the penalty of one dollar for each lobster less than the prescribed length

How barrels and
boxes contain-
ing lobsters,
shall be marked.

—in case of
seizure, how
disposed of.

CHAP. 126

—proceedings,
if value of prop-
erty exceeds
\$100.

found in the lot so seized, in either of which case such officer shall deliver to the owner or person claiming possession thereof such lobsters as are found to be of the legal limit. If the property seized exceeds one hundred dollars in value, the party seizing, within twenty days, shall file a libel in the clerk's office of the supreme judicial or superior court in the county where the offence was committed, stating the cause of seizure, and praying for a decree of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed, to show cause why such decree should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not in the state paper, at least fourteen days before the time of trial. When the property seized does not exceed one hundred dollars in value, the libel may be filed before the judge of any municipal court or trial justice of the county where the offence was committed; and after notice as aforesaid has been posted at two or more public places in the county, seven days at least before the day of trial, such judge or trial justice shall try and decide the cause, and make such decree thereon as law requires.'

Sec. 6,
amended.

SECT. 2. Section six of said chapter is hereby amended, so as to read as follows:

Fines, how
disposed of.

'SECT. 6. All fines and penalties under any law relating to game, fish or shell fish, may be recovered by complaint, indictment or action of debt, made or brought by any person in the county where such game or parts thereof, fish or shell fish are found, against the shipper or the person, having the same in possession, and together with all forfeitures shall be paid into the treasury of the county where the complaint is made, indictment found, or action brought, and by the treasurer thereof into the state treasury.'

SECT. 3. All acts or parts of acts inconsistent with this act, are hereby repealed.