

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 104.

An Act amendatory of and additional to chapter forty of the Revised Statutes, relating to Fish and Fisheries.

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

SECT. 1. Section thirty-three of chapter forty of the revised statutes is hereby amended, so as to read as follows :

Sec. 33, ch. 40,
R. S.,
amended.

‘SECT. 33. The governor with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the state, and who shall hold said office so long as he shall remain land agent of the state, and shall receive in addition to his present salary annually, the sum of two hundred dollars ; the other two members shall hold their office for three years, and until their successors are appointed and qualified, and shall each receive an annual salary of one thousand dollars. Said commissioners shall receive in addition to their salary, actual traveling expenses to be audited by the governor and council. The governor, with the advice and consent of council, shall also appoint one other commissioner who shall have general supervision of the sea and shore fisheries and shell fish, regulated by this chapter, and shall hold his office for three years and until his successor is appointed and qualified.

Commissioners of inland fisheries and game, how appointed.

—terms of office.

—compensation.

Commissioner of sea and shore fisheries, how appointed.

—term of office.

SECT. 2. Chapter forty of the revised statutes is hereby further amended, by adding thereto the following sections :

Ch. further amended.

‘SECT. 75. Said commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fish ways, and the location, form and capacity thereof ; introduce and disseminate valuable species of food fish into the inland waters of the state, and valuable food birds into the state. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall report annually to the governor, on or before the thirty-first day of December, who shall cause three thousand copies to be printed.

Duties.

—report.

‘SECT. 76. The commissioners of inland fisheries and game shall have authority, upon petition of five or more citizens of the state, or whenever they shall deem it for the best inter-

Authorized to regulate times and places of taking game and fish.

CHAP. 104

ests of the state, after due notice and public hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which so doing is prohibited by the laws of the state.

May prohibit entirely, taking of inland game and fish.

‘SECT. 77. Whenever they deem it for the best interests of the state, after like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish in any part of the state for a series of years not exceeding four.

May make rules for protection of game and fish.

‘SECT. 78. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the state, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the state, in conformity with the provisions of sections seventy-six and seventy-seven of this chapter.

How notice of rules shall be given.

‘SECT. 79. They shall file in the office of the clerks of the cities, towns and plantations in the territory to be affected a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county and post on the banks of waters to be affected as near as may be like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of state.

Penalty for taking fish in violation of rules.

‘SECT. 80. Whoever fishes for, takes, catches, kills or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal taking, catching, killing or destroying any such inland fish.

Penalty for hunting, in violation of rules.

‘SECT. 81. Whoever at any time or in any manner shall hunt, chase, catch, kill, take, have in possession, or destroy any inland game in violation of any of the rules and regulations of the commissioners of inland fisheries and game,

made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal hunting, chasing, catching, killing, taking, having in possession, or destroying any such inland game.

‘SECT. 82. Any person who willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this act, shall be punished by a fine not exceeding fifty dollars to be recovered by complaint or indictment; one half of said fine shall be paid to the prosecutor.’

Penalty for willfully defacing notices.

SECT. 3. Section forty of chapter forty of the revised statutes, and all amendments thereto are hereby repealed.

Sec. 40, R. S., repealed.

SECT. 4. The governor with the advice and consent of council, upon the recommendation of the commissioners of inland fisheries and game may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed; who shall enforce all laws relating to inland game and fisheries, and rules and regulations relating thereto, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act give bond with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioners of inland fisheries and game to the treasurer of the state, conditioned for the faithful performance of the duties of their office.

Inland fish and game wardens.

—appointment of.

—term of office.

—powers and duties.

Shall give bond.

SECT. 5. The governor, with the advice and consent of council, upon the recommendation of the commissioner of sea and shore fisheries may appoint suitable persons as fish wardens, who shall hold office for term of three years unless sooner removed, who shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as

Wardens to enforce laws relating to sea and shore fisheries.

—powers and duties.

CHAP. 105

—shall give
bond.

sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act give bond with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioner of sea and shore fisheries, to the treasurer of the state, conditioned for the faithful performance of the duties of their office.

Inconsistent
acts, repealed.

SECT. 6. All acts and parts of acts inconsistent with this act, are hereby repealed.

Approved March 18, 1895.

Chapter 105.

An Act to amend section sixty-six of chapter forty-nine of the Revised Statutes relating to Insurance.

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

Sec. 66, ch. 49,
R. S.,
amended.

Section sixty-six of chapter forty-nine of the revised statutes is hereby amended by adding thereto the following: 'provided, that domestic mutual fire insurance companies shall be required to pay only the actual expenses incurred by the commissioner in making the examination herein required,' so that said section, as amended, shall read as follows :

New
companies to
organize in
two years, or
charter void.

'SECT. 66. Every such company shall organize within two years after its charter is granted, or its charter shall be void ; and upon such organization it shall inform the commissioner thereof. No such company shall commence business by issuing policies until the commissioner has examined and ascertained that it has complied with the terms of its charter, paid in its capital stock and become qualified to act ; and he shall then issue to it his certificate of that fact, for which service he shall receive from it twenty dollars and all traveling expenses ; and annually thereafter upon examination, so long as the same is found solvent and responsible to do business, he shall issue to it a like certificate and receive a like fee. Provided, that domestic mutual fire insurance companies shall be required to pay only the actual expenses incurred by the commissioner in making the examination required by law.'

—not to do
business
without
license from
commissioner.

—annual
renewal of
license.

—shall pay
expenses of
commissioner.

Approved March 19, 1895.