

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Seventh Legislature

1915

[supplied from page 1 of volume]

a certificate as a local guide who does not, in the judgment of the Commissioners, possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted in the territory in which they are permitted to guide. The Commissioners of Inland Fisheries and Game may, in their discretion, license as guides such non-residents as reside in territory contiguous to the State under such conditions as are herein provided for the registration of resident guides; the fee for such non-resident guide license shall be twenty dollars.

Whenever a guide registered, as provided in this section, violates any of the inland fish and game laws, the Commissioners may, at their discretion, cancel his certificate of registration and strike his name from the list of registered guides; but such person may thereafter be registered again at the discretion of the Commissioners. Any certificate cancelled by virtue of this section shall be immediately returned to the Commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement.'

Approved March 30, 1915.

CHAP. 235

—certificates for local guides.

Registration of non-residents.

—fee of non-residents.

Penalty for refusal to return cancelled certificate.

Chapter 235.

An Act to Provide for the Granting of Lobster Licenses and Giving State-wide Jurisdiction to Wardens.

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

Section 1. Fish wardens and deputy wardens shall be held to be officers with all the powers of sheriffs, within the meaning of that term as used in the general law, and shall have jurisdiction and authority in all the counties of the State, and in all waters within the jurisdiction of the State, and may enforce any provisions of this act or any other act relating to the lobster industry, either with or without a warrant, but shall obtain a warrant thereafter within twenty-four hours.

Fish wardens shall have powers equal to sheriff.

—may enforce law without warrant.

Section 2. No person, firm or corporation, either by themselves as principal or by their servants or agents, shall, at any time, catch, take, hold, buy, ship, transport, carry, give away, remove, sell or expose for sale, or have in his or its possession, except for the immediate consumption of himself and family, any lobster from any of the waters in the jurisdiction of this State, or place, set, keep, maintain, supervise, lift, raise or draw in or from any of said waters, or caused to be placed, set, kept, maintained, supervised, lifted, raised or drawn in from any of said waters any pot, trap, trawl, car, boat, smack, vessel or

Lobster fishermen must be licensed.

Persons purchasing lobsters and holding or transporting for sale shall be licensed.

CHAP. 235

—common carriers may transport without license.

—proviso.

—receptacle shall be plainly marked.

Penalty for violation of provisions of this section.

Licenses to be issued by Commissioner of Sea and Shore Fisheries.

—applications shall be made on special forms, obtained from town clerks.

—license expires, when.

—fees for licenses, how used.

other contrivance designed or adapted for the catching, taking, holding or for removal or transportation of lobsters, unless licensed to do so as hereinafter provided, except that common carriers engaged in carrying general freight on fixed schedules may, without license, transport legally caught lobsters, within or without the State; provided that said lobsters are received by said common carriers at one of their regular established places of business upon land for receiving freight; and provided the receptacle containing said lobsters is plainly marked showing the contents to be lobsters, together with the full and correct name and address of both consignor and consignee. Every person, firm or corporation who shall violate any of the provisions of this section, or aid in doing so, upon conviction in any court of competent jurisdiction, as defined in this act, shall be fined twenty-five dollars for the first offense; for the second offense, fifty dollars; and for any subsequent offense, fifty dollars and thirty days imprisonment in addition; and no such party convicted of a third offense shall, either by themselves or their servants or agents, be entitled to receive a license during the period of one year from the date of said conviction.

Section 3. The Commissioner of Sea and Shore Fisheries shall grant and issue licenses to any citizens of this State, or to any person having resided in this State for one year immediately preceding the date of application for license, or to corporations or firms engaged in the lobster business located in this State or other states, to catch, take, hold, buy, ship, transport, carry, give away, remove, sell or expose for sale, within this State, and have in his or its possession, lobsters from the waters within the jurisdiction of this State, in the manner, at the time and subject to the regulations provided in this act.

Applications for licenses shall be made upon special forms provided by the Commissioner of Sea and Shore Fisheries, and the said commissioner shall keep the clerks of the various cities, towns and plantations bordering on the seashore, and other clerks who request them, supplied with blank applications, and it shall be the duty of said clerks to keep a supply of the same on hand and furnish them to all applicants. All applications, when filled out, shall be forwarded to the office of said commissioner, together with fees for same. Such licenses shall be granted to expire on the last day of November next succeeding the granting of same, unless sooner revoked, as in this act provided, and each person, firm or corporation to whom licenses shall be granted, shall, for each license, pay to said commissioner the sum of one dollar for the use of the State, to be forwarded to the State Treasurer; which amounts shall be credited

to and be a part of the funds to be used for operating expenses in the department of Sea and Shore Fisheries. Said commissioner, in his report to the Legislature, shall state the number of licenses granted, the names of the parties licensed and the amount of money received therefor. Said commissioner shall issue to each person, firm or corporation licensed as aforesaid a certificate, stating the name of the person, firm or corporation to whom such license has been granted, the number of said license and the date of expiration of such license.

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Commissioner shall report to Legislature.

—issuance of certificate.

If any person, firm or corporation to whom such license shall be granted shall be incapacitated for any reason, except for the violating of the provisions of this act or the provisions of any other act of the lobster laws of the State of Maine, from using said license, said person, firm or corporation may permit his agent or employee, if a citizen of this State, to perform such duties under the license as may be necessary during the period of his or its incapacity; provided that said agent or employee shall, when performing said duties so licensed, exhibit, upon demand of any authorized person, the certificate issued to his superior, as provided in this act.

Agent of person licensed may use license under certain conditions.

—proviso.

If any person, firm or corporation, by themselves or their agents, licensed as aforesaid, shall, at any time, be adjudged guilty of any violation of the provisions of this act or of any other act governing the lobster industry, except as otherwise provided in this act, after a full hearing before any court of competent jurisdiction as defined in this act, the Commissioner of Sea and Shore Fisheries may revoke the license issued to such party, and such party shall thereupon cease to have any authority thereunder; and no such party, or their servants or agents, shall be entitled to receive a license during the period of one year from the date of any second conviction, but the license shall be suspended from the date of offense charged until final determination, as provided in this act by the court.

License may be revoked for violation of provisions of this act.

—new license cannot be obtained for one year.

The Commissioner of Sea and Shore Fisheries shall revoke the license of any person, under this section, when he has evidence that such person has violated any of the provisions of the laws relating to lobsters, and the license issued to such person shall be void.

The Commissioner may, in his discretion, on sufficient evidence, restore a license revoked by him, and, if he refuses so to do, the license may be restored by any justice of the Supreme Judicial or Superior court; provided the said justice finds that said commissioner erred in his conclusion of facts, and application is made to the said justice within ten days of the refusal of the said commissioner to restore said license.

Commissioner may restore licenses on sufficient evidence.

—action before court.

CHAP. 235

Penalty for refusing to show certificate.

Section 4. Each person, firm or corporation licensed under the provisions of this act, shall, at all times while engaged in the pursuit so licensed, exhibit, upon demand of any authorized person, the certificate issued to him or them, as provided in this act. Every person, firm or corporation violating any of the provisions of this section shall, for each offense, upon conviction, be fined twenty-five dollars.

Negative allegation need not be proved.

Section 5. No negative allegations of any kind need be averred or proved in any prosecution brought under this act, but the respondent in any such action may show his license by way of defense.

Permission to set traps on trawls must be obtained.

Section 6. When pots or traps are set on trawls, when conditions make it impossible to set otherwise, buoys plainly marked, as provided in this act and in the lobster laws of this State, shall be set at both ends of the trawls; but permission for setting such trawls must be obtained from the Commissioner of Sea and Shore Fisheries, and so stated on the licenses issued under this act.

Method of marking pots, traps, boats and other contrivances used by lobster fishermen.

Section 7. No person, firm or corporation licensed under this act shall use any pots, traps, boats, trawls or other contrivance used for the catching or taking of lobsters, or cars or other contrivance used for holding or keeping lobsters before transporting or selling, unless the same and the buoys attached thereto are plainly marked, as provided by this act and other acts governing the lobster industry, with the name or names of the owners thereof, or the person or persons using the same. In each instance the surname with initials shall be marked together with the license number or numbers of such party or parties.

Penalty for violating provisions of this section.

Every person, firm or corporation violating the provisions of this section shall be fined, upon conviction, twenty dollars, or imprisoned not more than thirty days, and the license shall be suspended pending the decision of the court, as provided in this act, and, on conviction, license shall be forfeited, and he shall not be entitled to receive a new one for the period of one year from date of conviction; and all pots, traps, cars, buoys, trawls and other contrivance, together with the contents thereof, used contrary to the provisions of this act or any other act governing the lobster industry, shall be seized by any officer engaged in the enforcement of this act and disposed of as provided by law.

—seizure of equipment.

Only owner or authorized persons shall interfere with contrivances used in lobster industry.

Section 8. No person, except the Commissioner of Sea and Shore Fisheries, his wardens and deputy wardens, or other officers qualified to enforce this act, shall lift or raise any pot or trap, car, trawl or other contrivance used in the lobster industry belonging to any person, firm or corporation licensed under this act and set for catching or taking and holding of lobsters, ex-

cept with the permission of the owner or owners thereof. The Commissioner may appoint as many persons as he wishes, who hold licenses under this act, as deputy wardens, but so long as they hold licenses they shall serve without pay.

CHAP. 235

—appoint-
ment of
deputies.

Section 9. For the purpose of enforcing the provisions relative to the protection of lobsters, as provided by this act or any other act of the State relative to the lobster industry, the Commissioner of Sea and Shore Fisheries and his wardens and deputy wardens may search, at any time, in suspected places, including buildings of every description, or any pot, trap, trawl, car, boat, smack, vessel or other vehicle that they may believe is used in the catching, taking, holding or transporting of lobsters, and may seize and remove lobsters taken, held or offered for sale in violation of the provisions of this act or any other act of the State relative to the lobster industry.

—right of
search and
seizure
given to
officers en-
forcing lob-
ster law.

Section 10. No person shall acquire any property in lobsters caught in the waters under the jurisdiction of this State, for the purpose of shipping the same beyond the limits of this State, unless such lobsters conform to the law, and are shipped in accordance with the provisions of this act.

—lobsters
bought for
shipment
out of State
must con-
form to the
law.

Section 11. No lobsters shall be transported beyond the limits of this State, whether of legal length or otherwise, except by common carriers, as provided in this act, unless by persons licensed to transport lobsters outside the limits of the State under the following conditions: The Commissioner of Sea and Shore Fisheries shall issue a license, which shall not be transferable, to the owner or party in control of any smack, vessel or other means of transportation, either foreign or domestic, authorizing him to purchase and to transport lobsters within or beyond the limits of the State upon the following conditions: The license in each instance shall state the name of the smack, vessel or other conveyance to be used in so purchasing or transporting lobsters, and will give no authority to purchase or transport in any other smack, vessel or other conveyance except that named in the license. The name of the smack, vessel or other conveyance may, however, be changed by the licensee upon application to said commissioner, within the license period, without further charge. The fee for issuing said license shall be five dollars, and a record shall be kept of the same, similar to that provided for other licenses in this act. Besides the name of the conveyance, the license shall bear the date of taking effect and the termination thereof, which last named date shall be the last day of November next after it becomes effective, and shall state that such license, together with the bond hereinafter provided for, shall be forfeited upon the violation of any

Lobster
smacks
must be
licensed.—license not
transfer-
able.Provisions
of license.—fee for
license.

CHAP. 235

—subject to inspection and search.

—filing of bond.

Violations which may cause bond to be forfeited.

—license void.

Penalty of persons not licensed for violation of provisions of section 11, of this act.

—punishment of licensee for violation of provisions of Sec. 11.

Money received from fines and forfeited bonds, how expended.

law of this State relating to lobsters; and it shall further provide that such smack, vessel or other conveyance shall, at all times, be subject to inspection and search by the Commissioner of Sea and Shore Fisheries, or his wardens or deputy wardens, with warrant or without, in which inspection and search they shall in no way be obstructed. Before issuing said license, the said applicant shall file with the said commissioner a bond in the penal sum of five hundred dollars, conditioned that the same shall be forfeited to the State upon conviction of the licensee of any breach of any laws of this State pertaining to lobsters. All licensees under this act shall be required to load all smacks, vessels or other contrivances within the waters over which this State has jurisdiction, and any licensee loading outside the jurisdictional waters of this State, or who refuses to come within the jurisdictional waters of this State when ordered so to do by the Commissioner, or any of his wardens or deputy wardens, shall be deemed to have violated the provisions of this section, and his bond shall be forfeited.

Any license issued under this section shall become void on conviction for the breach of any law of this State pertaining to lobsters. No new license shall be issued for a period of one year to any party whose license has been revoked because of such conviction. Any license issued contrary to the provisions of this section is void and of no effect.

Section 12. Any person who violates section eleven of this act, who has not obtained a license, shall be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars, and the owner or parties in charge of any smack, vessel or other contrivance used in illegally transporting lobsters outside the State, as aforesaid, shall become indebted and pay to the State the sum of five hundred dollars, which sum shall be a lien upon said smack, vessel or other contrivance, and may be enforced in the name of the State by any appropriate process.

Any licensee convicted of violation of section eleven shall be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars, and, in addition thereto, shall forfeit the bond given by him to the State of Maine, and any person in charge of any smack, vessel or other contrivance used in illegally transporting lobsters out of this State, as aforesaid, shall be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars.

All fines collected and money received from bonds forfeited shall be turned over to the Commissioner of Sea and Shore Fisheries, who shall forward the same to the State Treasurer; which amounts shall be credited to and be a part of the funds

used for operating expenses in the department of Sea and Shore Fisheries. CHAP. 235

Section 13. The several municipal and police courts shall have concurrent jurisdiction with the Superior and Supreme court over all offenses under this act, and to the full extent of the penalty therein specified; parties defendant, however, having the same right to appeal from the sentences of said inferior courts as is now provided by law in other criminal cases. In case any warrant is issued or indictment found against any licensee under section eleven of this act, and any officer qualified to serve said warrant or indictment shall certify to the court from which it issued that he had made diligent search and was unable to locate the respondent, then the court shall cause a written notice to be sent to the respondent at the address given in the application for license, setting forth the fact that said warrant or indictment had issued against him, and naming a time and place for hearing on same, which shall not be less than fourteen nor more than thirty days from date of mailing the same; the notice shall state also that, in his failure to appear, his bond given to the State shall be forfeited. If he appears, the court will proceed under the warrant or indictment as though he had been apprehended. In the event that he does not appear, the court shall order his bond forfeited; but the order of the court forfeiting said bond shall not otherwise affect the warrant or indictment. Any warrant issued by any such court shall cover offenses occurring in the county where said court is established or in any adjoining county. Parties defendant, however, having the same right to appeal from the sentences of said inferior courts as is now provided by law in other criminal cases.

Municipal and police courts to have concurrent jurisdiction.

—forfeiture of land by persons not located by officer after due process.

—right of appeal.

Section 14. This act shall in no way interfere with any other act relative to lobster industry, or affect penalties under the same, except said acts be inconsistent with this act, and all acts or parts of acts inconsistent herewith are hereby repealed.

—inconsistent acts repealed.

Section 15. The license of any parties which shall have been revoked for the violation of any lobster law of this State, or any provision of this act, shall be void, and his license shall immediately be surrendered to the officer who serves the warrant or indictment, or who secures the conviction of the offender; and said officer shall forthwith forward said license to the Commissioner of Sea and Shore Fisheries, who shall cancel the same. Any license issued to any party through error or fraud, or within one year from the date said license was revoked or forfeited, under this act, shall be void, and shall be surrendered on

—license shall be surrendered to officer making arrest.

—licenses issued through fraud or error shall be void.

CHAP. 236

—penalty
for fraudu-
lently ob-
taining
license.

—licenses
shall be ob-
tained with-
in thirty
days after
July 3, 1915.

demand of any officer authorized to enforce this act or any other act governing the lobster industry of this State, and any party who obtains a license under this act fraudulently shall be fined one hundred dollars and imprisoned sixty days in addition, for each offense.

Section 16. All persons shall have thirty days after this act goes into effect within which to procure licenses hereinbefore referred to.

Approved March 31, 1915.

Chapter 236.

An Act to Enable the Cities and Towns of the State of Maine to Appropriate Money to Aid in the Erection of the Knox Memorial Building.

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

Cities and
towns may
appropriate
money for
erection
of Knox
memorial
building.

The cities, or any of them of the State of Maine, through their municipal governments, and the towns, or any of them, of said State, may at any legal meeting called by a warrant containing an article for the purpose, appropriate such sum or sums as each of them may vote, to aid in the erection of a Knox memorial building, to be erected at Thomaston, in Knox county, Maine.

Approved March 31, 1915.

Chapter 237.

An Act to Amend Section Eight of Chapter One Hundred Thirty of the Public Laws of Nineteen Hundred Thirteen, Relating to State and State Aid Highways.

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

Ch. 130, Sec.
8, P. L., 1913,
amended.

—stricken
out.

Section eight of chapter one hundred thirty of the Public Laws of the year nineteen hundred thirteen is hereby amended by inserting after the word "shall" in the seventh line thereof the words 'as to state highways;' and by striking out after the word "counties" in the thirteenth line thereof, the following: "Whenever construction on state highways is commenced in any county it shall be continued on such highway until an improved section of it at least seven miles is completed, or until it connects with another improved section of state highway, so that the combined sections constitute an improved way at least seven miles in length," so that said section as amended shall read as follows:

Expense of
state high-
ways shall
be borne
by State.

'Section 8. The Commission shall lay out, construct and maintain a system of state and state aid highways substantially