

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)

ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

necessary disbursements of any action or proceeding brought to compel such performance, together with a reasonable additional allowance to the plaintiff or relator in such action or proceeding, to be fixed.'

Approved April 9, 1921.

Chapter 218.

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 Hundred 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 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:

Sec. 1. R. S., c. 33, § 10; 1917, c. 219, § 10 and c. 244; relating to the appointment and duties of inland fish and game wardens, amended. 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 camp trespassers, or those suspected of larceny from any cottage, camp or other building,' so that said section, as amended, shall read as follows:

'Sec. 10. Wardens given authority to arrest and prosecute camp trespassers or those suspected of larceny from cottages, etc. The governor, with the advice and consent of the council, upon the recommendation of the commissioner of inland fisheries and game, may appoint suitable persons as inland fish and game wardens, who shall hold office for a term of three years unless sooner removed, and who shall enforce all laws relating to inland fisheries and game, and all rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; said inland fish and game wardens shall have the same power to serve criminal processes against such offenders, and to arrest and prosecute camp trespassers, or those suspected of larceny from any cottage, camp or other building, and shall be allowed the same fees as sheriffs, for like services, and they shall have the same right as sheriffs

CHAP. 218

to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond to the treasurer of state, in the sum of two thousand dollars, with two sureties, or with a surety company authorized to do business in the state, as surety, approved by the commissioner of inland fish and game, conditioned for the faithful performance of the duties of their office. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of the inland fish and game laws.'

Sec. 2. R. S., c. 33, § 24; 1917, c. 219, § 24; relating to prohibited devices in fishing, amended. Section twenty-four of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen is hereby amended by striking out all of said section and substituting therefor the following section:

'Sec. 24. Penalty for using any kind of explosives for destroying fish increased to not less than \$100 or to imprisonment for two years; each person allowed five set lines while fishing for pickerel during November and December; white fish and cusks added to exceptions. Whoever uses any dynamite or any other explosive or poisonous or stupefying substance at any time for the purpose of destroying any kind of fish or whoever takes, kills or destroys any kind of fish at any time with any dynamite or other explosive or poisonous or stupefying substance, shall pay a fine of not less than one hundred dollars and costs for each offense or shall be imprisoned two months in the county jail.

'Whoever fishes for, takes, catches, kills or destroys any fish, with fish spawn, or grapnel, spear, trawl, weir, gaff, seine, trap, (or set lines, except when fishing through the ice, and then with not more than five set lines to a family in the day time, or five set lines to a person during November and December when fishing for pickerel), or takes any kind of fish, except suckers, eels, hornpouts, yellow perch, white fish and cusk, as hereinafter provided, with any device or in any other way than by the ordinary mode of angling with single-baited hook and line, artificial flies, artificial minnows, artificial insects, spoon-hooks and spinners, so-called, shall pay a fine of not less than ten, nor more than thirty dollars, and costs of prosecution, for each offense; and in addition thereto one dollar for each fish taken, caught, killed or had in possession in violation of any provision of this section; and when any of the above named prohibited implements, devices or substances are found in use or possession they are forfeit and contraband and any person finding them in use may destroy them.'

Sec. 3. R. S., c. 33, § 26; 1917, c. 219, § 26 and c. 244; 1919, c. 196; relating to the taking of smelts, cusk, white fish, minnows, etc., amended. 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 by chapter one hundred and ninety-six of the public laws of nineteen hundred and nineteen, is hereby amended by inserting the words 'and cusk' after the words "white fish" in the nineteenth line of said section, so that said section, as amended, shall read as follows:

'Sec. 26. Cusk as well as white fish may be taken for food purposes in the family of the person taking the same, in any waters deemed advisable by commissioner. It shall be lawful, however, to take smelts in all the inland waters of the state above tide waters with a dip net in the usual and ordinary way, and to catch them through the ice in the day time with single hook and line at any time in waters open to ice fishing, but they shall not be taken for sale or sold at any time except for bait for fishing in this state; provided, however, that it shall be lawful to take smelts, with single hook and line, in the day time, in Sebago Lake for sale within or without the state, during January, February and March of each year, but they shall not be taken with a dip net in the tributaries to Sebago Lake except for consumption as food in the family of the person taking the same; and provided, further, that it shall be unlawful to take smelts at any time in Swan Lake, or in any of the tributaries to said lake, in the county of Waldo, in any manner except with single hook and line. Provided, further, that it shall be lawful to take minnows and other fish usually used for bait in fishing, in all the inland waters of the state, and to sell the same for bait for fishing only in this state; and provided, further, that it shall be lawful to catch white fish with single hook and line at any time, in all the inland waters of the state, but they shall not be taken at night with set lines; and provided, further, that white fish and cusk may be taken, by means of nets, for food purposes only in the family of the person taking the same, in such waters as the commissioner of inland fisheries and game may deem advisable, and under such conditions, rules and regulations as he may establish; and provided, further, that it shall be lawful to catch cusk at any time in waters open to ice fishing with not more than five set lines to each family when fishing through the ice and when under the immediate personal supervision of the person fishing; and provided, further, that it shall be lawful to take suckers with spears, in all the inland waters of the state, during April and May of each year. Whoever violates any provision of this section shall pay a fine of thirty dollars and costs for each offense.'

Sec. 4. R. S., c. 33, § 27; 1917, c. 219, § 27 and 1917 c. 244; 1919, c. 196; relating to the taking of eels, suckers, hornpouts and yellow perch, amended. Section twenty-seven of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended

CHAP. 218

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, is hereby amended by inserting the following paragraph after the word "establish" in the fourth line thereof: 'Provided, further, that said commissioner may grant permits to take alewives in the inland waters of the state under such rules and regulations as he may establish'; said section is hereby further amended by inserting after the word "any" in the second line of the second paragraph of said section the word 'alewives,' so that said section, as amended, shall read as follows:

'Sec. 27. Commissioner may grant permits to take alewives in inland waters; unlawful to take alewives contrary to this section. The commissioner of inland fisheries and game may grant permits to take suckers, eels, hornpouts and yellow perch, by means of eel pots, traps, spears or nets, in inland waters frequented by these fish, under such terms, rules and regulations as he may establish.

'Provided, further, that said commissioner may grant permits to take alewives in the inland waters of the state under such rules and regulations as he may establish.

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

Sec. 5. R. S., c. 33, § 46; 1917, c. 219, § 46; 1919, c. 133; relating to fur-bearing animals, amended. Section forty-six of chapter two hundred and nineteen 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, is hereby amended by striking out all of said section and substituting therefor the following section:

'Sec. 46. Closed time on raccoons from March 1st to August 31st; special provision relative to muskrats, otter, fisher and mink in Orange River and tributaries, repealed; molestation or destruction of beaver house prohibited and providing a penalty for violation. Whoever, from the first day of March to the fourteenth day of the following October, both days inclusive, hunts, traps, kills, pursues or catches any fur-bearing animal (except bears, muskrats, raccoons, beaver, bobcats, loupcevrier, Canada lynx and weasels) or whoever, from the first day of March to the thirty-first day of the following August, both days inclusive, hunts, traps, kills, pursues or catches any raccoon, or whoever from the fifteenth day of May to the fourteenth day of the following October, both

days inclusive, hunts, traps, kills, pursues or catches any muskrat, or whoever has in possession at any time any fur-bearing animal or part thereof taken in close season, shall pay a fine of ten dollars and costs for each offense and in addition thereto three dollars for each fur-bearing animal hunted, trapped, killed, pursued, caught or had in possession in violation hereof. Provided, further, that it shall be unlawful, under the same penalty, to take, catch, trap, kill or destroy any muskrat or muskrats at any time in Lower Kezar pond, in the town of Fryeburg, in the county of Oxford, and in the town of Bridgton, in the county of Cumberland, or in the outlet stream of said Lower Kezar Pond, or in the Kezar Meadows, so-called, adjacent to said pond (which meadows are bounded by the outlet stream of said pond, by the old Saco River, by the "Uplands," so-called, and by the "Upland" on the easterly side of said meadows) or in the east bog, so-called, or in the west bog, so-called, bounded by the "Uplands," and on the westerly side by a wire fence on land owned by E. C. Buzzell; except that it shall be lawful to take muskrats within said territory in the usual manner of trapping, in accordance with the general statutes of the state, during the months of March and April in each year. Provided, further, it shall be unlawful to set a trap at any time within twenty-five feet of, or to molest or destroy, a muskrat house, under a penalty of ten dollars and costs for each offense. Whoever at any time hunts, traps, kills, pursues, catches or has in possession any beaver, or part thereof, except as provided in the preceding section, or whoever, at any time, molests or destroys a beaver house, shall pay a fine of one hundred dollars and costs for each offense. Provided, however, that any person may lawfully kill any wild animal (other than beaver) or any wild bird found destroying his property.'

Sec. 6. R. S., c. 33, § 51; 1917, c. 219, § 51; 1919, c. 196 and 249; relating to the trapping of fur bearing animals, amended. 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, is hereby amended by striking out all of said section and by substituting therefor the following section:

'Sec. 51. Use and sale of poisonous substances prohibited; animal killed by such substance forfeited to person finding it; bear traps may be enclosed in barbed wire; provision as to trapping foxes in Lincoln County eliminated to conform with amendment of special session, 1919, c. 249. No person shall at any time set a snare or a swivel, pivot or set gun or use or deposit any poisonous substance for any fur-bearing animal, under a penalty of one hundred dollars and costs for each offense, and by imprisonment for sixty days, and shall forfeit

CHAP. 218

any such snare, swivel, pivot or set gun, and any fur-bearing animal found in such snare, or killed by such swivel, pivot or set gun or poisonous substance to any person finding the same; provided, further, that no person shall at any time, under a like penalty, advertise or give notice of the sale, or keeping for sale, of any such snare, swivel, pivot or set gun, or poisonous substance for fur-bearing animals; nor shall any person at any time set any trap or traps of any kind for any wild animal without having the trap or traps plainly labeled with his full name and address, either by having the same stamped on the trap, or on a metal tag firmly attached to the trap, under a penalty of five dollars and costs for each offense and in addition thereto five dollars for each trap set and not marked as provided herein, and shall forfeit to the state the trap or traps and any wild animal found therein; provided, further, that no person shall set a bear trap at any time unless the same is enclosed in a hut, so-called, or by at least two strands of barbed wire, one four and one five feet from the ground, said wire to be securely held in position and to be not less than five yards at any point from the enclosed trap, under a penalty of fifty dollars and costs for each offense.'

Sec. 7. R. S., c. 33, 1917, c. 219, § 59; 1917, c. 244; 1919, c. 196; relating to non-resident hunters licenses amended. Section 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, is hereby amended by striking out the last sentence of the first paragraph of said section and by striking out the words "or a twenty-five dollar license if bull moose are to be hunted" after the word "license" in the twelfth line of the second paragraph of said section, and by striking out the words "or may exchange said bird hunting license for a moose hunting license, so-called, upon payment of an additional fee of twenty dollars, and provided, further, that a person who has procured a deer hunting license, so-called, may exchange said deer hunting license for a moose hunting license, so-called, upon payment of an additional fee of ten dollars" after the word "dollars" in the sixteenth and seventeenth lines of the second paragraph of said section, and by striking out the word "ten" after the word "and" in the twenty-fourth line of the second paragraph of said section and by substituting therefor the word 'six,' so that said section, as amended, shall read as follows:

'Sec. 59. References as to moose licenses repealed to conform with provisions of Chap. 105, P. L., 1921, which creates a perpetual close time on bull moose; number of woodcock that may be transported reduced to six. Persons not bona fide residents of this state, and actually domiciled herein, shall not hunt, pursue, take or kill any deer, ducks,

partridges, woodcock, or other wild birds or wild animals, or have the same, or any part thereof, in possession at any time without first having procured a license therefor as hereinafter provided. Such licenses shall be issued by the commissioner of inland fisheries and game, upon application in writing and payment of fifteen dollars to hunt deer, ducks, partridges, woodcock and other birds and wild animals, except moose, during their respective open seasons, and in the manner provided by law, in October, November and December, and such licenses shall be known as the non-resident deer hunting licenses.

'Provided, further, that to hunt ducks, and other birds and wild animals in their respective open seasons, and in the manner provided by law, in the counties of Aroostook, Washington, Hancock, Penobscot, Piscataquis, Somerset, Franklin and Oxford up to October first of each year a license fee of five dollars shall be paid annually, and the license issued upon payment of such fee shall be known as the non-resident bird hunting license. Provided, further, that in the counties of Androscoggin, Cumberland, Knox, Kennebec, Lincoln, Sagadahoc, Waldo and York such person may procure a license for five dollars to hunt, in their respective open seasons and in the manner provided by law, ducks, partridges, woodcock and other birds and wild animals except during the month of November, during which month a fifteen dollar license shall be required of non-residents in said counties. Provided, further, that a person who has procured a bird hunting license, so-called, may exchange said bird hunting license for a deer hunting license, so-called, upon payment of an additional fee of ten dollars. A bird hunting license shall entitle the purchaser to take to his home in addition as now provided, properly tagged with the tag detached from his license, and open to view, five partridges, ten ducks and six woodcock that he himself lawfully killed under such rules and regulations to be established by the commissioner as may be required to carry out the true intent of this chapter and not inconsistent herewith.'

Sec. 8. R. S., c. 33, § 75; 1917, c. 219, § 75; 1917, c. 244; relating to the introduction of wild birds or other animals into the state without authority, amended. Section 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, is hereby amended by inserting after the word "animal" in the second line thereof the words 'or dead body or part thereof,' and also by inserting after the word "animal" in the third line thereof the words 'or dead body or part thereof,' and also by striking out the words "except upon" in the fourth line thereof, and by substituting therefor the word 'without,' so that said section, as amended, shall read as follows:

CHAP. 218

‘Sec. 75. Prohibits introduction of any part of the dead body of any wild animal, without permission. Whoever introduces or imports any wild bird or wild animal, or dead body or part thereof, of any kind or species into the state, or whoever receives or has in possession such wild bird or wild animal, or dead body or part thereof, so introduced or imported, without written permission of the commissioner of inland fisheries and game, shall forfeit not less than fifty dollars nor more than five hundred dollars and costs, for each offense.’

Sec. 9. R. S., c. 33, § 81; 1917, c. 219, § 81; 1919, c. 196; relating to the seizure and sale of fish or game for violations of the fish and game laws, amended. 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, is hereby amended by striking out all of said section and by substituting therefor the following section:

‘Sec. 81. Authorizes sale by officer and includes fur-bearing animals; if animals will be unfit for food at date of sale officer may sell and hold proceeds subject to order of court. All birds, fish, game or other wild or fur-bearing animals, or parts thereof, hunted, caught, killed, destroyed, bought, sold, carried, transported, or found in possession of any person or corporation in violation of any provision of this chapter, or amendment thereof, shall be liable to seizure, and in case of conviction for such violation the court shall declare the same forfeited to the state, to be sold by the officer making such seizure for the benefit of the state. Any person whose birds, fish, game or other wild or fur-bearing animals, or parts thereof, have been seized for violation of any game or fish law, shall have the same returned to him on giving to the officer a bond with sufficient sureties, who shall be residents of the state, in double the amount of the fine for such violation, conditioned that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to immediately give such bond and take the birds, fish, game or other wild or fur-bearing animals, or parts thereof, so seized, he shall have no action against the officer for such seizure or for the loss of the birds, fish, game or other wild or fur-bearing animals, or parts thereof, seized.

‘In case the warden making the seizure finds that the birds, fish, game or other wild, or fur-bearing animals, or parts thereof, seized, will be unsuitable for food (or other use) at the day fixed for the hearing on such seizure, he shall dispose of the same for consumption in this state and shall hold the proceeds of such sale subject to order of the court for decision as to the right of the claimant to said birds, fish, game or other wild,

or fur-bearing animals, or parts thereof. If the magistrate finds the claimant is not entitled to said birds, fish, game, or other wild, or fur-bearing animals, or parts thereof, the officer making such seizure shall be ordered by the magistrate to forward the proceeds thereof to the commissioner of inland fisheries and game, at Augusta, and by him to be paid to the treasurer of state.'

Approved April 9, 1921.

Chapter 219.

An Act to Increase Salaries of Certain County Officers and Amount of Money Allowed for Clerk Hire in Certain County Offices.

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

R. S., c. 117, §§ 37, 38, 39, 40, 41, 42, 43, 44 and 45; 1917, c. 39, 152, 153, 167, 173, 194, 223, 236, 239, 242, 279; 1919, c. 214, 241, 246, 253, 259, 260, 261, 262; relating to salaries and clerk hire in county offices, amended. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four and forty-five of chapter one hundred seventeen of the revised statutes, as amended by chapters thirty-nine, one hundred fifty-two, one hundred fifty-three, one hundred sixty-seven, one hundred seventy-three, one hundred ninety-four, two hundred twenty-three, two hundred thirty-six, two hundred thirty-nine, two hundred forty-two, two hundred seventy-nine, and two hundred ninety-two, as amended by chapter two hundred fourteen of the public laws of nineteen hundred nineteen, as amended by chapters two hundred forty-one, two hundred forty-six, two hundred fifty-three, two hundred fifty-nine, two hundred sixty, two hundred sixty-one, and two hundred sixty-two of the laws of the special session of nineteen hundred nineteen, relating to salaries of county officials and clerk hire, are hereby amended by striking out all of said sections and inserting in place thereof the following:

'Sec. 37. Salary of Androscoggin county attorney, increased.

County attorneys of the several counties shall receive annual salaries from the state treasury in monthly payments on the last day of each month, as follows:

- 'Androscoggin, fifteen hundred dollars,
- 'Aroostook, fifteen hundred dollars,
- 'Cumberland, two thousand dollars,
- 'Franklin, five hundred dollars,
- 'Hancock, seven hundred and fifty dollars,
- 'Kennebec, fourteen hundred dollars,
- 'Knox, seven hundred dollars,