

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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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.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-First Legislature

**1923**

[supplied from page 1 of volume]

## CHAP. 32

shall be liable for any penalty or forfeiture, or subject to any prosecution under the laws of this state on account of making such refund.'

Approved March 8, 1923.

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## Chapter 32.

An Act to Amend 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 Chapter Two Hundred and Eighteen of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Taking of Smelts in the Tributaries to Sebago Lake.

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

P. L., 1917, c. 219, sec. 26; 1917, c. 244; 1919, c. 196; 1921, c. 218; relating to the taking of smelts, 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 chapter one hundred and ninety-six of the public laws of nineteen hundred and nineteen and chapter two hundred and eighteen of the public laws of nineteen hundred and twenty-one, is hereby amended by inserting after the word "same" in the eleventh line of said section, the words 'except smelts not exceeding six inches in length taken with dip nets in the tributaries to Sebago lake may be sold for consumption as food within this state,' so that said section, as amended, shall read as follows:

'Sec. 26. Smelts not exceeding six inches in length taken with dip nets in tributaries of Sebago lake may be sold within the state. 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, except smelts not exceeding six inches in length taken with dip nets in the tributaries to Sebago lake may be sold for consumption as food within this state; 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.'

Approved March 8, 1923.

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### Chapter 33.

An Act to Amend Sections Thirty-eight and Thirty-nine of Chapter Eight of the Revised Statutes, Relating to the Suspension by the Governor of Open Season for Hunting.

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

**Sec. 1. R. S., c. 8, sec. 38; authorizing the governor to suspend open season for hunting, amended.** Section thirty-eight of chapter eight of the revised statutes is hereby amended by inserting after the word "state" in the second line thereof the words 'or the taking of fish from the inland waters thereof,' and by striking out the words "possession of firearms" in the third line thereof, and substituting in place thereof the words 'hunting or fishing,' so that said section, as amended, shall read as follows:

**'Sec. 38. May suspend open season for fishing.** Whenever, during an open season for the hunting of any kind of game or game birds in this state, or the taking of fish from the inland waters thereof, it shall appear to the governor that by reason of drought, hunting or fishing in the forests is liable to cause forest fires, he may by proclamation suspend the open season and make it a close season for such time as he may designate.'

**Sec. 2. R. S., c. 8, sec. 39; relating to enforcement of laws during suspended open season, amended.** Section thirty-nine of chapter eight of the revised statutes is hereby amended by striking out all of said section beginning with the word "Whoever" in the fourth line thereof and substituting in place thereof the words, 'Whoever, during the close season fixed by proclamation of the governor, as provided in the preceding section, enters