

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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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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first day of November of each year. It shall be unlawful to ship scallops so taken out of the state. Whoever violates this section shall be liable to a penalty of fifty dollars, and in addition shall pay a penalty of five dollars for each and every gallon or part thereof of shelled scallops, so bought, sold, exposed for sale, given away or in his possession; and shall pay a penalty of five dollars for each one hundred scallops or any part thereof, in the shell, so bought, sold, exposed for sale, given away or in his possession; and any boat with its equipment, engaged and used in such unlawful catching or selling of scallops may be seized and detained by an officer or warden, not exceeding twenty-four hours, in order that it may be attached or taken by due process of law, to satisfy any judgment that may be recovered; but said boat and equipment shall be released at any time on payment of penalty and costs legally due. Scallop gear found on board any boat in close time shall be prima facie evidence of a violation of this section. So much of this section as relates to buying or selling or exposing for sale or the possession of scallops shall not apply to scallops taken outside of the waters of the State of Maine.

Approved March 22, 1923.

(This chapter is amended by Chapter 130, P. L. 1923, to correct a clerical error.)

Chapter 84.

An Act to Close all Hunting in a Certain Territory in Lincoln County, to Be Known as the Lincoln County Game Preserve.

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

Sec. 1. Game preserve established in towns of Jefferson and Whitefield, Lincoln county. For a period of five years from the time this act becomes effective, no person shall at any time hunt, pursue, shoot at, or kill any wild animal or any game or wild bird within the following described territory situated in the towns of Jefferson and Whitefield in the county of Lincoln:

Land of Jewett Brothers, situated wholly or partly in the town of Jefferson; land of S. D. Erskine, wholly or partly in the towns of Jefferson and Whitefield; land of Clarence Ford, wholly or partly in the town of Jefferson; land of Boynton Brothers, wholly or partly in the town of Jefferson; which land is bounded as follows:

On the north by the highway leading from Weary pond to South Jefferson; on the east by Stearns brook and by Little Dyer's pond, and the inlet stream and marsh of said pond, and by the highway leading from South Jefferson to Alna; on the south by the Alna town line; on the west by the road leading from Alna to said Weary pond, in the town of Whitefield. It shall also be unlawful for any person to have in possession at any

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time any wild animal or any game or wild bird or part thereof taken in violation of any provision of this act.

Sec. 2. Penalty for violation of laws relating to. Whoever violates any provision of this act shall be subject to a penalty of not less than ten nor more than three hundred dollars and costs for each offense, or imprisonment for sixty days, or both said fine and imprisonment.

Approved March 22, 1923.

Chapter 85.

An Act to Amend Section One Hundred and Twenty-one of Chapter Four of the Revised Statutes, as Amended by Chapter One Hundred and Thirty-five of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Fish Weirs.

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

R. S., c. 4, sec. 121; 1921, c. 135; relating to licenses to build and extend wharves and fish weirs, amended. Section one hundred twenty-one of chapter four of the revised statutes, as amended by chapter one hundred and thirty-five of the public laws of nineteen hundred twenty-one, is hereby further amended, by inserting after the word "described" in the twentieth line of said section the following: 'Should the said applicant or his assignee fail to remove such stakes and brush within a period of one year after the termination of his license as provided in section one hundred twenty-two of chapter four of the revised statutes it shall then be legal for any person so to remove them, but without charge against said owner or assignee,' so that said section, as amended, shall read as follows:

'Sec. 121. Licensees failing to remove stakes and brush from weirs within one year after termination of license, same may be removed by any person. Any person intending to build or extend any fish weirs or trap in tidewaters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least three days' public notice thereof in a newspaper, published in the municipality, or in the newspaper, published in the county, which is nearest the municipality in which the proposed weir is to be located, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make such erection or extension, and to maintain the same within the limits mentioned in such