

# 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

**1923**

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may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.'

Approved March 29, 1923.

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## Chapter 121.

An Act to Amend Chapter One Hundred and Seventy-three of the Public Laws of Nineteen Hundred and Nineteen, Relating to the Registration of Resident Hunters and to Provide for the Registration of Resident Inland Fishermen.

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

**Sec. 1. P. L., 1919, c. 173, sec. 1; relating to registration of resident hunters, amended.** Section one of chapter one hundred and seventy-three of the public laws of nineteen hundred and nineteen is hereby amended by inserting after the word "birds" in the third line thereof the words 'or fish for, take, catch, or kill any fish of any kind in any of the inland waters of this state, or have the same in possession,' and by striking out in the sixth line the words "of chapter thirty-three" and inserting after the word "statutes" the words 'and acts amendatory thereof and in addition thereto'; also by inserting after the word "hunt" in the twelfth line thereof the words 'or fish in unclosed waters in accordance with the laws of this state' and by striking out after the words "sixty-six of" in the seventeenth line of said section the words "chapter thirty-three of the revised statutes, as amended by" and adding after the word "seventeen" in the nineteenth line thereof the words 'and acts amendatory thereof,' so that, as amended, said section shall read as follows:

'**Sec. 1. Application of law extended to include resident fishermen.** No resident of this state shall hunt in any manner, at any time, or pursue, take, catch, kill, destroy or have in possession, within the limits of this state, any wild animals or wild birds, or fish for, take, catch or kill any fish of any kind in any of the inland waters of this state, or have the same in possession, without having first procured a certificate of registration therefor as hereinafter provided, and then only during the respective seasons when it shall be lawful, and subject to all other provisions of the revised statutes and acts amendatory thereof and in addition thereto; provided, that nothing in this act shall be construed as affecting in any way the provisions of the statutes relating to trespass, nor shall the possession of such certificate grant or confer any privilege not enjoyed prior to the passage of this act, nor shall the provisions of this act be construed as applying to unprotected wild birds or as affecting the right of a bona fide resident of this state, or his immediate family, to hunt, or fish in unclosed waters in accordance with the laws of this state without such license on land owned by him or on land leased by him and on which he

is actually domiciled, and which land is used exclusively for agricultural purposes.

'The words "resident of this state" wherever used in this act shall be construed to mean any person not subject to the provisions of sections sixty-five and sixty-six of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen and acts amendatory thereof who has been a bona fide resident of this state and actually domiciled here for a period of three months next prior to his application for registration as provided for in this act.'

**Sec. 2. P. L., 1919, c. 173, sec. 2; relating to issuing of certificates to resident hunters, amended.** Section two of said chapter one hundred and seventy-three is hereby amended by striking out the word "fifteen" in the fifth line of said section and by inserting in place thereof the word 'ten,' and by inserting after the word "hunted" in the twelfth line of said section, the words 'and to fish for, take, catch or kill fish in the inland waters of the state,' and by inserting after the word "lands" in the thirteenth line of said section, the words 'or waters,' and by inserting after the word "killing" in the thirteenth line of said section, the words 'or fishing,' and by inserting after the word "birds" in the second line of the second paragraph of said section, the words 'and the taking, catching and killing of fish in the inland waters of this state,' so that said section, as amended, shall read as follows:

**'Sec. 2. Certificates to authorize holder to hunt and fish; clerk's fee fixed at ten cents.** Any resident of this state may make written application to the clerk of the city, town or plantation in which such resident resides, and such city, town or plantation clerk, after having satisfied himself that the applicant is a bona fide resident of said city, town or plantation, and upon the payment by such applicant of a fee of twenty-five cents, ten cents of which shall be retained by said clerk as recording fee, shall issue to such applicant a certificate in the form prescribed and upon blanks furnished by the commissioner of inland fisheries and game, which certificate shall bear the name, age, occupation, place of residence, and an identifying description of the holder of such certificate, and shall authorize the person so registered to hunt and kill such wild birds and wild animals as may be legally hunted, and to fish for, take, catch or kill fish in the inland waters of the state, in their respective open seasons and in the manner provided by law, on any lands or waters on which hunting or killing or fishing is not forbidden by law.

'Such certificate shall authorize the hunting or killing of game and game birds, and the taking, catching and killing of fish in the inland

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waters of this state, only under such restrictions and for such purposes as are imposed or authorized by law.'

Sec. 3. P. L., c. 173, sec. 3; relating to validity of certificates, etc., amended. Section three of said chapter one hundred and seventy-three is hereby amended by inserting after the word "hunting" in the seventh line of said section, the words 'or fishing' and by inserting after the word "laws" in the ninth line of said section the words 'or any fire warden' and by inserting after the word "certificate" in the fourteenth line of said section the words 'but any resident under sixteen years of age may fish in waters open to fishing without such certificate,' so that said section, as amended, shall read as follows:

'Sec. 3. Registration of persons under 16 years of age for fishing not required; must exhibit certificate to fire wardens. Each certificate issued under the provisions of this act shall be valid so long as the registrant remains a citizen of this state; such certificate shall not be transferable, and shall not be valid unless the signature of the person to whom it was issued is written thereon in ink.

'Every person holding a certificate of registration by virtue of this act shall, at all times, while hunting or fishing, have such certificate on his person, and shall exhibit the same for inspection to any person authorized to enforce the inland fish and game laws, or any fire warden. Failure to produce such certificate, or satisfactory evidence of the issuance of same, upon such request shall constitute a violation of this act.

'No such certificate shall be granted to any person under sixteen years of age unless the written consent of parents or guardian is attached to the application for such certificate, but any resident under sixteen years of age may fish in waters open to fishing without such certificate.'

Sec. 4. P. L., 1919, c. 173, sec. 4; relating to transportation of game without registration certificate, amended. Section four of said chapter one hundred and seventy-three is hereby amended by striking out the words "thirty-three of the revised statutes" in the third line thereof and inserting the words 'two hundred and nineteen of the public laws of nineteen hundred and seventeen'; and by inserting after the word "any" in the fifth line thereof the word 'fish,' so that, as amended, said section shall read as follows:

'Sec. 4. Application of law enlarged so as to require certificate to transport fish. It shall be unlawful for any resident of this state to offer for transportation, in accordance with the provisions of sections forty-one, forty-two, forty-four and fifty-five of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended, to any

person, company or corporation or to any agent, servant or employee thereof, or to transport any fish, game, or game birds or any other wild animals or wild birds, unless he shall have in his possession at the time a certificate of registration, as herein provided, duly issued to him under the provisions of this act.'

Sec. 5. P. L., 1919, c. 173, sec. 5; relating to exhibiting certificates to transportation companies, amended. Section five of said chapter one hundred and seventy-three is hereby amended by inserting after the word "birds" in the fourth line of said section, the words 'or any fish taken in any inland waters in this state,' and by inserting after the word "birds" at the end of the fifth line of said section, the words 'or fish,' so that said section, as amended, shall read as follows:

'Sec. 5. Certificate to be possessed by persons offering fish for transportation. It shall be unlawful for any person, company or corporation or for any agent, servant or employee thereof to accept for transportation, from a resident of this state, any game or game birds, or any other wild animals or wild birds, or any fish taken in any inland waters in this state, without first ascertaining the fact that the person offering such game, game birds or other wild animals or birds or fish, is in possession of a certificate duly issued to him covering the period when such shipment is offered for transportation.'

Sec. 6. P. L., 1919, c. 173, sec. 7; relating to remitting of collections by municipal clerks, amended. Section seven of said chapter one hundred and seventy-three is hereby amended by striking out the word "fifteen" in the seventh line of said section, and by inserting in place thereof, the word 'ten,' so that said section, as amended, shall read as follows:

'Sec. 7. Clerks to retain ten cents on account of each certificate issued. Every city, town and plantation clerk shall keep a record of all such certificates issued by him, which record shall be open to inspection by any person authorized to enforce the inland fish and game laws, and such clerk shall, on the first Monday in every month, forward to the commissioner of inland fisheries and game the amount received, if any, for such certificates issued during the preceding month, less the recording fee of ten cents, together with the application and stub of each certificate issued.

'Any city, town or plantation clerk who shall neglect or refuse to carry out the provisions of this section or to remit for certificates issued by virtue of this act within a period of thirty days from the first Monday of each month shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and costs for each offense.'

Sec. 7. P. L., 1919, c. 173, sec. 9; relating to possession of firearms in

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forests of state without having certificate, amended. Section nine of said chapter one hundred and seventy-three is hereby amended by inserting after the word "firearm" in the first, third, and fifth lines thereof, the words 'or fishing tackle,' and by inserting after the word "hunting" in the last line of said section, the words 'or fishing,' so that said section, as amended, shall read as follows:

'Sec. 9. Possession of fishing tackle in forests or on waters of state, without certificate, prima facie evidence of violation of law. The possession of any firearm or fishing tackle in the fields or forests or on the waters or ice of the state by a resident of this state, unless the person having such firearm or fishing tackle in possession has in his possession a certificate of registration as herein provided, duly issued to him and covering the period such firearm or fishing tackle is found in his possession, or gives satisfactory evidence of the issuance of such certificate, shall be prima facie evidence of hunting or fishing in violation of this act.'

Sec. 8. P. L., 1919, c. 173, sec. 10; relating to penalties, amended. Section ten of said chapter one hundred and seventy-three is hereby amended by inserting after the word "hunting" in the fifth and sixth lines thereof the words 'or fishing,' so that said section, as amended, shall read as follows:

'Sec. 10. Application of law enlarged so as to include penalty for fishing. Any person who violates any of the provisions of sections one, two, three, four, five or six of this act, or who permits another person to have or use a certificate issued to him, or who shall change or alter the same in any manner, or who has or uses any certificate issued to another person, or who shall guide a resident of this state while hunting or fishing, who has not a certificate as provided herein, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and costs of prosecution for each offense.'

Sec. 9. P. L., 1919, c. 173, sec. 12; relating to limitation of rights of holder of certificate, amended. Section twelve of said chapter one hundred and seventy-three is hereby amended by inserting after the word "birds" in the third line thereof the words 'or inland fish,' so that said section, as amended, shall read as follows:

'Sec. 12. Certificate not to give holder rights of fishing or transporting otherwise prohibited. Nothing contained in this act shall authorize the hunting, pursuing, taking, catching, killing, destroying, having in possession or transporting any wild animals or wild birds, or any inland fish, or parts thereof, contrary to the laws now in force or hereafter enacted.'

Sec. 10. P. L., 1919, c. 173; amended by adding new section. Chapter



one hundred and seventy-three of the public laws of nineteen hundred and nineteen is hereby further amended by adding thereto the following section:

**'Sec. 13. Persons in possession of hunter's registration certificates not required to take out new certificate; combination certificates to be issued hereafter.** Any person who, at the time this act becomes effective, has in his possession a hunter's registration certificate issued in accordance with the provisions of said chapter one hundred and seventy-three of the public laws of nineteen hundred and nineteen, shall be construed as being equipped with the combination hunting and fishing certificate required by this act.

'All such certificates issued after this act takes effect shall be combination hunting and fishing certificates, as provided herein, the same to be in the form prescribed and upon blanks furnished by the several town, city and plantation clerks of the state by the commissioner of inland fisheries and game, as provided in section two of said chapter one hundred and seventy-three of the public laws of nineteen hundred and nineteen.'

Approved March 31, 1923.

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## Chapter 122.

An Act to Amend Section Ten of Chapter One Hundred and Eighteen of the Revised Statutes, Relating to Costs to be Taxed for Parties and Attorneys.

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

**R. S., c. 118, sec. 10; relating to costs taxed for parties and attorneys in civil causes, amended.** Section ten of chapter one hundred eighteen of the revised statutes is hereby amended by adding to said section the following words:

'The allowance for travel and attendance to parties recovering costs in the supreme judicial or superior courts shall be limited to two terms and every other term at which a trial is had except in addition thereto in case a demurrer, plea in abatement, or motion to dismiss is filed by the defendant, the prevailing party in such three last named proceedings shall be allowed travel and attendance in such action for not exceeding two additional terms. The court may for good and sufficient cause order such allowance for additional terms in all actions before it. No referee shall allow costs in any proceedings in excess of the above provisions,' so that said section, as amended, shall read as follows:

**'Sec. 10. Allowance for travel and attendance limited to two terms; exceptions; referees' allowance of costs limited.** Costs allowed to parties and attorneys in civil actions shall be as follows: to parties recovering costs before a trial justice, thirty-three cents for each day's attendance,