

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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[supplied from page 1 of volume]

provision of this section shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, and costs for each offense.'

Approved April 6, 1923.

Chapter 213.

An Act for the Better Protection of Salmon, Shad, Alewives and Smelts.

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

Certain migrating fish under concurrent jurisdiction. All sea salmon, shad, alewives and smelts that migrate from the ocean into fresh water shall be under the concurrent jurisdiction of the sea and shore fisheries and the inland fish and game commission wherever found.

Approved April 6, 1923.

Chapter 214.

An Act to Amend Section Forty-six of Chapter Two Hundred Nineteen of the Public Laws of Nineteen Hundred Seventeen, as Amended by Chapter One Hundred Thirty-three of the Public Laws of Nineteen Hundred Nineteen, and as Amended by Chapter Two Hundred Eighteen of the Public Laws of Nineteen Hundred Twenty-one, Relating to the Protection of Fur-bearing Animals.

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

P. L., 1917, c. 219, sec. 46; 1919, c. 133; 1921, c. 218; relating to protection of fur-bearing animals, amended. Section forty-six of chapter two hundred nineteen of the public laws of nineteen hundred seventeen, as amended by chapter one hundred thirty-three of the public laws of nineteen hundred nineteen, and as amended by chapter two hundred eighteen of the public laws of nineteen hundred twenty-one, is hereby amended by striking out all of said section and by substituting therefor the following section:

'**Sec. 46. Close time on certain fur-bearing animals, May 1, to Nov. 30; close time on muskrats established; penalties.** Whoever, from the first day of March to the thirty-first day of the following October, both days inclusive, hunts, traps, kills, pursues or catches any fur-bearing animal (except bears, muskrats, beaver, bobcats, loup-cervier, Canada lynx and weasels) or whoever from the first day of May to the thirtieth day of the following November, both days inclusive, hunts, traps, kills, pursues or catches any muskrat or muskrats in the county of Androscoggin, Cumberland, York, Sagadahoc, Kennebec, Lincoln, Waldo or Knox, or whoever from the fifteenth day of May to the thirty-first day of the following October, both days inclusive, hunts, traps, kills, pursues or catches any muskrat or muskrats in the county of Washington, Hancock, Aroostook, Penobscot, Piscataquis, Franklin or Oxford, or whoever from the first

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day of May to the fourteenth day of the following October, both days inclusive, hunts, traps, kills, pursues or catches any muskrat or muskrats in the county of Somerset, or whoever has in possession at any time any fur-bearing animal or part or parts thereof taken in closed 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.

Perpetual close time on muskrats in Lower Kezar pond and adjacent waters; exceptions. 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.

Five years close time on muskrats in Songo and Crooked rivers. Provided, further, that for a period of five years from the time this act becomes effective it shall be unlawful, under the same penalty, for any person to hunt, trap, kill, pursue or catch any muskrat or muskrats at any time in Songo river, a tributary to Sebago lake, which lake is situated in the county of Cumberland, or in Crooked river, also a tributary to said Sebago lake, up as far as Edes Falls bridge.

Two years close time on muskrats in Royal river; exceptions. Provided, further, that for a period of two years from the time this act becomes effective it shall be unlawful, under the same penalty, for any person to hunt, trap, kill, pursue or catch any muskrat or muskrats at any time in Royal river, so-called, or in any of the tributaries to said river, which waters are situated in the county of Cumberland, except from April fifteenth to April thirtieth of each year, both days inclusive, it shall be lawful to hunt and trap muskrats in said waters in accordance with the general law of the state.

Two years close time on muskrats in Gardner lake and tributaries. Provided, further, that for a period of two years from the time this act becomes effective it shall be unlawful, under the same penalty, for any

person to hunt, trap, kill, pursue or catch any muskrat or muskrats at any time in Gardner lake, so-called, which lake is situated in the towns of East Machias, Whiting and Marion, in the county of Washington, or in any of the tributaries to said lake.

Three years close time on muskrats in Winnegance creek or Winnegance stream. Provided, further, that for a period of three years from the time this act becomes effective it shall be unlawful, under the same penalty, for any person to hunt, trap, kill, pursue or catch any mink or muskrat at any time in Winnegance creek or Winnegance stream, which waters are situated in the county of Sagadahoc, or within five rods of high water mark on said Winnegance creek or Winnegance stream, or in the marshes below the upper dyke, so-called, on said Winnegance stream.

Two years close time on muskrats in Kennebec county and in Pleasant and Mud ponds. Provided, further, that for a period of two years from the time this act becomes effective it shall be unlawful under the same penalty for any person to hunt, trap, kill, pursue or catch any muskrat or muskrats at any time in the county of Kennebec, or in Pleasant pond, so-called, or in Mud pond, so-called, connected with said Pleasant pond, which waters are situated partly in the county of Kennebec and partly in the county of Sagadahoc.

Unlawful to set traps within 25 feet of, or to destroy muskrat house; penalty. 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.

Close time on beaver. 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, or sets a trap within twenty-five feet thereof, shall pay a fine of one hundred dollars and costs for each offense.

Wild animals or birds destroying property may be killed. Provided, however, that any person may lawfully kill any wild animal (other than beaver) or any wild bird found destroying his property.

Night open time on skunks and raccoons; inconsistent statutes repealed. Provided, however, that it shall be lawful to hunt, catch, pursue or kill raccoons and skunks at night from the fifteenth day of October to the last day of February, both days inclusive. So much of the provisions of section seventy-four, chapter two hundred and nineteen, public laws of nineteen hundred and seventeen, as amended by chapter one hundred and ninety-six, public laws of nineteen hundred and nineteen, and chapter

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eighty-nine, public laws of nineteen hundred and twenty-one, as is inconsistent with the provisions of this paragraph is hereby repealed.'

Approved April 6, 1923.

(Further amended by Chapter 225.)

Chapter 215.

An Act to Amend Section Fifty-nine of Chapter Two Hundred Nineteen of the Public Laws of Nineteen Hundred Seventeen, as Amended by Chapter Two Hundred Forty-four of the Public Laws of Nineteen Hundred Seventeen, and by Chapter One Hundred Ninety-six of the Public Laws of Nineteen Hundred Nineteen, and by Chapter Two Hundred Eighteen of the Public Laws of Nineteen Hundred Twenty-one, Relating to Non-resident Hunters' Licenses.

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

P. L., 1917, c. 219, sec. 59; 1917, c. 244; 1919, c. 196; 1921, c. 218; relating to non-resident bird hunting license, amended. The first sentence of the second paragraph of section fifty-nine of chapter two hundred nineteen, of the public laws of nineteen hundred seventeen, as amended by chapter two hundred forty-four of the public laws of nineteen hundred seventeen, and by chapter one hundred ninety-six of the public laws of nineteen hundred nineteen, and by chapter two hundred eighteen of the public laws of nineteen hundred twenty-one, is hereby amended by striking out the word "first," in the fourth line of said sentence, and by inserting in place thereof the word 'fifteenth,' so that said sentence, as amended, shall read as follows:

'Time limit of license extended to Oct. 15th. 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 fifteenth 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.'

Approved April 6, 1923.

Chapter 216.

An Act to Amend Chapter Twenty-five of the Revised Statutes as Enlarged and Amended by Chapter Two Hundred and Fifty-eight of the Public Laws of Nineteen Hundred and Seventeen, and Chapter Two Hundred and Twenty and Two Hundred and Sixty-three of the Public Laws of Nineteen Hundred and Nineteen, Relating to State Highways and to the Creation and Expenditure of the Mill Tax Highway Fund.

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

Sec. 1. R. S., c. 25, sec. 36; P. L., 1917, c. 258; 1919, c. 220; 1919, c. 263, sec. 1; relating to creation of mill tax highway fund and expenditure