

1913 Utah Fishing Law

EMERGENCY APPROPRIATION FOR THE TEMPORARY SUPPORT OF THE STATE GOVERNMENT.

An Act making appropriation for the support of the State government for a portion of the year, 1913.

Be it enacted by the Legislation of the State of Utah:

Section 1. **Appropriation.** That the following sums of money or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the support of the government of the state of Utah, as hereinafter expressed, for a portion of the year, 1913.

To the State Fish and Game Commissioner: (To be paid from Fish and Game Fund.)

Salary of deputy commissioner... \$ 250.00

Salary of stenographer..... \$ 150.00

Salary of chief warden, county wardens, maintenance of hatcheries, ponds, etc...\$ 6,000.00

FISH AND GAME

An Act to Amend Sections 5, 12, 13, 14, 16, 17, 21, 23, 24, 25, 28 and 33, Chapter 53, Laws of Utah, 1909, Relating to the Protection of Fish, Game and Birds; Prescribing Certain Rules of Pleading and Evidence; Creating the Strawberry Valley and the Fish Lake State Game Preserves, Prohibiting Hunting Within the Limits Thereof; and Authorizing the State Fish and Game Commissioner Under the Direction of the State Board of Examiners to Procure and Set Aside Certain Lands as Public Hunting Grounds, and Prescribing Rules and Regulations Under which Hunting May be Permitted Therein.

Be it enacted by the Legislature of the State of Utah:

SECTION 1. Sections Amended. That Sections 5, 12, 13, 14, 16, 17, 21, 23, 24, 25, 28 and 33, Chapter 53, Laws of Utah, 1909, relating to the protection of fish, game and birds, be and the same are hereby amended to read as follows.

5. Salaries. Expenses. The State Commissioner shall receive a salary of twenty-four hundred dollars per annum and for actual and necessary traveling and contingent expenses and clerical assistance not to exceed three thousand dollars per annum. The chief deputy shall receive a salary of fourteen hundred dollars per annum and actual necessary traveling expenses not to exceed eight hundred dollars per annum. The hatchery superintendents and six chief wardens shall each receive one thousand dollars per annum and actual and necessary traveling expenses not to exceed six hundred dollars per annum.

12. Taking Fish. When unlawful. Penalty. It shall be unlawful for any person at any time to fish for or take any fish from any of the waters of this State by any device or means whatever. This provision shall not prohibit angling between the fifteenth day of February and the thirty-first day of March following, both, dates included, nor between the fifteenth day of June and the thirtieth day of November following, both dates included, except that it shall not be lawful to, angle in Fish Lake, Panguitch Lake or Strawberry Reservoir at any time, except between the fifteenth day of June and the thirtieth day of November following, both dates included. It shall be unlawful for any person to fish for or take any fish from any of the waters of this State at any time between nine o'clock p. m., and three o'clock a. m. on the day following; or to take or have in his possession at any time any bass less than eight inches long, or any trout, mountain herring or other game fish less than six inches long. The word "angling" as used in this Act is defined to be fishing with a rod or pole held in the hand or hands, such rod or pole to have attached thereto artificial fly hooks not exceeding two in number, or two baited hooks or one baited hook with not more than one gang of not more than three hooks or one trolling spoon with not more than one gang of not more than three hooks. Any person violating any of the provisions of the Section shall be guilty of a misdemeanor.

13. Unlawful to Sell Certain Fish. Limit of Catch. It shall be unlawful for any person to sell or offer to sell, or expose for sale or have in his possession with intent to sell, at any time, any eastern brook trout, rainbow trout, grayling trout, native trout, black spotted or mountain trout, or any other species of trout or any land-locked salmon, herring or any black bass taken from any of the public waters of this State. In prosecutions under this Section it shall be sufficient to allege generally that such fish were unlawfully sold, offered, exposed or held for sale, and proof of sale or offering or exposing for sale shall be prima facie evidence of guilt.

It shall be unlawful for any person to catch more than fifteenpounds of any or all of said varieties or species of fish in any one day, except that at Fish Lake, Panguitch Lake and Bear Lake any person shall be permitted to take a single fish weighing more than fifteen pounds in any one day. It shall be unlawful for any person to have in his possession at any one time more than fifty pounds of any or all of said varieties or species of fish. It shall be unlawful for any person to, fish for or take any fish at any time from the waters of Logan River between the crest of the dam of the Hercules Power Company's plant and the Logan City Power House on the bank of said Logan River; or, between the crest of the dam of the Logan City Power House, in said Logan River, and the mouth of Spring Creek where it empties into said Logan River, and the crest of the State dam at the mouth of Logan Canyon to the Telluride Power House on Logan River.

14. Private Ponds. Restrictions. The owner or owners of private fish ponds shall, before selling or shipping any fish from the same, make application to the State Commissioner, by affidavit describing accurately such pond, where located, when such pond was started and stocked with fish, from where the fish were procured, the kind of fish to be sold or shipped, the railroad station from which he desires to ship such fish, and upon satisfactory showing being so made to the State Commissioner that such private pond is in fact a private pond, and the fish desired to be shipped have been reared in said pond, and upon the payment of one dollar the State Commissioner shall issue to the owner or owners of such private ponds a permit to sell or ship

such fish. Said permit must contain the date when issued, to whom issued, the number, the name and location of the pond from which such fish are to be shipped, and also the station from which the shipments are to be made. All permits shall continue in force from the date of issuance until the thirty-first day of December following their issue. Such permit shall be issued in triplicate, one copy to be given to the shipper, one to the railroad or express agent at the station from which the shipments are to be made, and the third copy to be placed on file in the office of the State Commissioner. A copy of the bill of lading for each and every shipment must be delivered or mailed by the shipper to the State Commissioner on the day shipment is made.

It shall be unlawful for any person to operate or maintain any private fish pond within this State without erecting and maintaining a sufficient screen, approved by the State Fish and Game Commissioner, at the point where the waters enter such pond from any State waters and also at the point where the waters leave such pond, so as to effectually prevent any fish from entering or leaving such pond. Every person violating any of the provisions of this, Section shall be guilty of a misdemeanor.

16. Use of Explosives, Electricity or Drugs Prohibited. It shall be unlawful for any person to kill or take any fish from any of the waters of this State by use or means of electricity or any poison, deleterious or stupefying drug, giant powder, or quick lime, or any explosive substance whatever; or to place or use in or upon the surface of such waters any poison, deleterious or stupefying drug, giant powder, quick lime or explosive or electric device or to have in his possession any fish killed or taken by use or aid thereof. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and be punished by imprisonment for not less than three months and in addition to such imprisonment shall be fined not less than one hundred dollars, and shall not thereafter be eligible to procure a license to fish or hunt in this State for balance of said year.

17. Use of Nets, Seines, Traps, Etc. For the purpose of catching carp, chubs, mullets, bullheads, catfish or suckers, and for these fish only, seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inches square for fifty yards in the center, and with meshes not less than two inches square in the wings thereof may be used at any time in the following named waters only: Bear Lake, Sevier River from Sevier Lake to the mouth of the Sevier Bridge reservoir, the Colorado, Green, Grand, and San Juan Rivers, the Gunnison Reservoir, Sanpitch River, Redmond Lake, Burville Reservoir and Sevier River, and from the Black Knolle Creamery north to the County line between San Pete and Sevier Counties, and the Otter Creek Reservoir to include Otter Creek as far north as the old reservoir in the narrows about six miles below Greenwich, the mouth of the canal that empties into Otter Creek Reservoir from the east fork of the Sevier River, and the east fork of the Sevier River from its junction with the waters of Otter Creek one-fourth of a mile below the said Otter Creek Reservoir; and in Price River from Spring Glen to Green River, Carbon County; in Bear River, below the Idaho line, and in Utah Lake and Jordan River. In Utah Lake it shall be unlawful to use seines from July first to September first, or at any time without the presence of a game warden who shall be paid not to exceed three dollars per day by the party drawing the seine, and such warden shall give a bond of two hundred fifty dollars for the faithful performance of his duties payable to the State of Utah and [to] be filed with the State Commissioner. Provided, that before any person shall use a seine in any of the waters named in this Section, such person shall procure a seiner's license from the

State Commissioner on payment of one dollar and fifty cents, except to seine in Utah Lake, where the fee shall be five dollars. Provided, further, that before any person shall use a seine in any of the waters of this State, except Utah Lake, he shall give a bond with two sufficient sureties to the State in the penal sum of five hundred dollars, conditioned that no fish protected by the laws of this State from seining will be taken, and that diligence will be used by them to prevent the death of any of said fish, which bond shall be approved by and filed with the State Commissioner. The State Commissioner shall furnish blanks for said bonds, and shall furnish to the County Clerk of each county of the State blanks to be given to persons desiring to give bonds as herein provided. When the bond is prepared, it shall be delivered to the State Commissioner, or to a chief warden or a county clerk, who shall forward it at once to the State Commissioner. Upon approval by the State Commissioner he shall file the same in his office and issue to the person giving such bond, upon the payment of the license fee provided by law a seiner's license. It shall be lawful to use spears with or without a torch or lamp-light for the taking and killing of carps and suckers, only, at any time, and it shall be lawful to take carp, suckers, chubs, mullets and catfish, at any time, with hook and line commonly known as angling from the above waters, and from the waters of Sevier River between the mouth. of Clear Creek Canyon in Sevier County and the Otter Creek reservoir in Piute County. Provided, further, that suckers may be taken by grappling hooks between April first and May twentieth, both dates inclusive, in Provo River between Utah Lake and the State Road Bridge northwest of Provo, in, Spanish Fork River, between the San Pedro, Los Angeles and Salt Lake Railroad bridges across said rivers and Utah Lake, and in Hobble Creek between Main Street, Springville City, and Utah Lake. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor.

21. Removed not applicable. Unlawful to Kill Big Game. Exceptions. Penalty.

23. Removed not applicable. When Lawful to kill Prairie Chicken, Grouse, Quail, Etc. Limit.

24. Removed not applicable. Insectivorous and Song Birds Protected. Exceptions.

25. Removed not applicable. When Lawful to kill Ducks, Geese, Etc. Limit.

28. License to Hunt and Fish. It shall be unlawful for any person to hunt for, kill or shoot at any kind of game or take or fish for any kind of fish, whether protected or not, without first having procured a license so to do. It shall be unlawful for any person to refuse to produce his license for inspection at the time when requested so to do by the State Commissioner or his deputy. Such license shall entitle the holder thereof to pursue, hunt and kill such game animals and game birds and to fish for and catch such numbers and varieties of fish as are permitted by law and subject to the restrictions, and regulations imposed by law.

The prices of such license shall be as, follows:

To any male person over twelve years of age who is a citizen of the United States and an actual and bona fide resident of the State of Utah, one dollar and twenty-five cents. To any male person over twelve years of age who is a citizen of the United States but not an actual and bona fide resident of the State of Utah, five dollars.

To any male person over twelve years of age who is not a citizen of the United States, fifteen dollars; provided that no alien be permitted to hunt or fish for game protected or unprotected without first procuring a license. Provided, further, that female persons and male persons under the age of twelve years shall not be required to procure any license; provided further that any person except an alien may hunt for and kill rabbits without a license.

Every license shall state the place of residence of the holder thereof, and shall not be transferable to any other person. All licenses, except as otherwise provided, shall be substantially in the following form, to-wit:

License The holder hereof whose residence is County of State of is hereby permitted to hunt and fish within the State of Utah, subject to the limitations and restrictions of the game laws of the State of Utah.

Receipt of \$ for this license is hereby acknowledged. The holder is years of age, is feet inches

tall, weighs pounds, is complexioned and has hair and eyes. Dated at this day of 19....

Officer's Address. Officer's Signature.

Such license may be issued by the State Commissioner, his deputy or any warden, any justice of the peace or any person authorized so to do by the State Commissioner. Every person so authorized by the State Commissioner shall give a bond to the State of Utah with two sufficient sureties in the sum of five hundred dollars, conditioned for the faithful performance of his duties and that he will faithfully account for all licenses issued and all moneys received by him. Every person authorized under this section to issue any license, who shall, knowingly, issue the same for any less amount of money than is required by this section shall be guilty of a misdemeanor. Such license shall be printed as directed by the State Commissioner, with two stubs, which shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, one stub to be retained by the justice of the peace, or deputy warden, or authorized person issuing the license, and one stub with any mutilated license with all money received from such license shall be remitted to the State Commissioner on the first day of each month, except fees of the persons issuing the license and in case no licenses have been issued, such officer, or authorized person, must report in writing to the State Commissioner that no licenses have been issued by him. Any person authorized to issue licenses may retain ten per cent of the money collected as his fees, except a person receiving a salary from the State. Such license shall have printed on the 'back a short synopsis of this Act; all licenses issued under the provisions of this Act shall expire on the thirty-first day of December next following the date of their issue. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

33. Hatcheries. The State Commissioner is hereby authorized and directed to maintain and make needed improvements on the state hatcheries and the grounds connected therewith and to construct and maintain such other hatcheries as may be provided for.

Sec. 2. Prosecutions. Nothing in any amendment or provision made in this Act shall affect any offense committed or action pending, but the same shall be prosecuted to judgment and execution as though this Act had not been passed. In all prosecutions under this Act or said Chapter, it shall be sufficient to charge the offense in the language of the statute and every exception or proviso, shall be deemed matter to be pleaded and proved in defense.

Sec. 3. Removed not applicable. Game Preserves. For the purpose of increasing game in this State the following described tracts of land are hereby set apart and designated, respectively, as the Strawberry Valley and the Fish Lake State Game Preserves.

Sec. 4. Removed not applicable. Public Hunting Grounds.

Sec. 5. This Act shall take effect upon approval.
Approved March 13th, 1913.

General Appropriations An Act making appropriations for the support of the State government for the two years, beginning January 1, 1913, and ending December 31, 1914 and for other purposes.

Be it enacted by the Legislature of the State of Utah:

Section 1. Appropriations. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated, for the support of the government of the State of Utah, as hereinafter expressed, from January 1, 1913 to December 31, 1914:

To the State Fish and Game Department:

The following amounts to be paid out of the Fish and Game Fund:

For Salary of Commissioner... \$4,400.00

For traveling expenses of commissioner, necessary office supplies, rentals and clerical assistance, or so much thereof as may be necessary... \$6,000.00

For Salary of chief deputy... \$3,000.00

For traveling expenses of chief deputy ...\$1,800.00

For salary of six chief wardens, three hatchery superintendents and two assistant hatchery superintendents... \$23,760.00

For traveling expenses of six chief wardens and three hatchery superintendents... \$10,000.00

For maintenance of three hatcheries ... \$3,600.00

For Salaries of twenty-seven county wardens ... \$30,000.00

For necessary repairs and improvements at hatcheries ... \$2,000.00

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