

1923 Utah Fishing Law

FISH AND GAME REPEAL.

An Act repealing Chapter 47, Laws of Utah, 1919, and Chapter 6, Laws of Utah, 1919 Special Session, relating to fish and game.

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

SECTION 1. Chapters repealed. That all of Chapter 47, Laws of Utah, 1919, and all of Chapter 6, Laws of Utah, 1919 Special Session, be and the same are hereby repealed.

Sec. 2. This Act shall take effect upon approval.

Approved March 7, 1923.

CHAPTER 36.

House Bill No. 39.

(Passed March 3, 1923. Approved March 7, 1923. In effect March 7, 1923.)

FISH AND GAME.

An Act providing for the appointment of a fish and game commissioner, chief deputy, and other deputies and assistants; creating a fish and game fund; prescribing duties, powers, and salaries of commissioner, deputies, and other assistants; providing bonds for commissioner and deputies; providing a license to hunt, fish, and trap, and to market catfish, and to operate private ponds; the appointment of license agents; regulating the draining of canals and waterways; providing for screens and fishways; prohibiting the pollution of State waters; fixing open seasons and limits of fish and game; prohibiting the sale and transportation of game and game fish; providing for, and regulating guides; providing for seizure and sale of unlawful devices; protecting game animals; providing open seasons for deer and bear; defining game animals; providing license and season for trapping fur-bearing animals; providing for private game farms; regulating the taking of game birds; establishment of game preserves; regulating the use of fire-arms on game preserves; providing open seasons for ducks and geese; protecting song birds; providing for public shooting grounds; prohibiting the use of silencers on fire-arms; prohibiting the waste of fish and game; prohibiting shooting on public highways; and prohibiting the destruction of State property. Be it enacted by the Legislature of the State of Utah:

SECTION 1. Fish and game commissioner - qualifications - term.

The governor of the State of Utah, by and with the consent of the senate, shall appoint a State fish and game commissioner, whose term of office shall be for four years and until his successor is appointed and qualified and who shall be a resident and citizen of the State of Utah. He shall be a man who by experience and training is especially qualified to protect, propagate and distribute game, fish, birds, and animals throughout the several counties of the State, and to direct and supervise the propagation of fish at the various fish hatcheries, and the rearing of game birds at the game farms owned or operated by the State. He shall not be a member of any hunting, shooting, or fishing club.

Sec. 2. Powers of commissioner-appointment of deputies and assistants-closing streams, etc. The State fish and game commissioner shall have control and supervision of the waters, forests and lands of the State for the collection, propagation, culture and distribution of fish and game in the State, and shall receive and distribute all game, fish-fry and spawn received or controlled by him fairly and equitably among the several counties of the State. He shall have full control of all property of the State, obtained and held for the purposes contemplated by this Act. The State fish and game commissioner is hereby empowered to appoint, by and with the consent of the governor, one chief deputy and such other deputies, fish and game culturists and other assistants as may be found necessary to properly perform the duties imposed upon him by virtue of this Act.

Provided further that when, for any reason whatsoever, the fish and game commissioner shall decide it advisable to close any lake, stream or waterway, or any part of any lake, stream or waterway, to angling, or if on account of epidemic, excess shooting or any other cause, it shall be deemed advisable by him to further protect any species of any game animal or game bird, he is hereby empowered to close said waterway to angling or to impose additional restrictions upon the taking of such game bird or animal by way of shortening the open season, reducing the number of game birds or game animals permitted to be taken in any one day or during the entire open season, or by entirely prohibiting the shooting or otherwise killing or taking of any species of game birds, game or fur-bearing animals. It is hereby further provided that if on account of oversight, error or any other cause, the State fish and game commissioner shall find that adequate protection is not extended by virtue of this Act to all species of fish, game birds, game and fur-bearing animals, he is hereby empowered to impose the necessary regulations and restrictions to fully protect said fish, game bird or game or fur-bearing animal. If the State fish and game commissioner shall desire to close to angling, or any other method of taking fish, any lake, stream or waterway, or a portion of any lake, stream or waterway, he shall first cause to be posted at or near said lake, stream or waterway, a reasonable number of signs stating that said lake, stream or waterway is closed to angling or other means of taking fish, and shall cause a notice of such action to be published in at least two newspapers having a general circulation in the State of Utah, not less than twenty days prior to such closing, which action shall have the force and effect of law. When the State fish and game commissioner desires to close all or any section of the State to the shooting, trapping or otherwise capturing or taking of any species of game bird, game or fur-bearing animal or to further restrict or limit the taking of said birds or animals, he shall issue a proclamation setting forth such changes, restrictions or limitations which he desires to effect, which proclamation must be published in at least two newspapers having general circulation throughout the State, after which publication such proclamations shall have the full force and effect of law. Provided further that when elk are doing actual damage to

farms or other property, the State fish and game commissioner may authorize the killing of such animals and the carcasses, heads and hides of elk so killed shall be sold to the best interests of the State, and the money derived from the sale thereof shall be placed in the fish and game fund.

Sec. 3. Bonds of commissioner and deputies.

Before entering upon the duties of his office, the State fish and game commissioner shall execute and deliver to the State of Utah a surety bond in the penal sum of ten thousand dollars. The chief deputy, before entering upon the duties of his office, shall execute and deliver to the State of Utah a surety bond in the penal sum of five thousand dollars, and each other deputy, except special deputies acting as such without compensation from the State, shall execute and deliver to the State of Utah a surety bond in the penal sum of one thousand dollars, all of which shall be conditioned upon the faithful performance of their respective duties. The premium of all said bonds shall be paid by the State of Utah out of the fish and game fund, hereinafter created.

Sec. 4. Fish and game fund created-expenditure.

A fish and game fund is hereby created and all moneys collected from the sale of fish and game licenses and the net moneys collected from fines and forfeitures for violations of the fish and game laws, shall be paid to the State fish and game commissioner; all moneys paid into the game fund in this section provided for shall be covered into the State treasury and shall constitute a State fish and game fund, which shall be drawn upon for the payment of salaries and expenses of the State fish and game department, by and with the consent of the board of examiners, except, that the net moneys received from the sale of beaver hides and for trappers licenses, as hereinafter provided, shall be covered into the State treasury and become a part of the State general fund. Provided, that the State fish and game commissioner by and with the consent of the State board of examiners is hereby authorized to expend any moneys which may be standing to the credit of the fish and game fund for the construction and maintenance of fish hatcheries, ponds, and dams, at suitable and convenient places throughout the State for the proper distribution of fish to all counties of the State; to provide game farms for the propagation of game birds and animals and to do such other work as in their judgment may pertain to the protection and propagation of fish and game.

Sec. 5. Duties-arrests--seizures--searches--report.

The State fish and game commissioner and his duly appointed and qualified deputies are hereby authorized and required to enforce the provisions of this Act, and for such purposes they are hereby granted the same power, and shall follow the same procedure in making arrests, the handling of prisoners and the general enforcement of this Act as is bestowed upon sheriffs, deputy sheriffs and other peace officers by the statutes of the State of Utah. They shall seize all fish and game when taken or held in violation of this law, arrest and hold, with or without warrant, any person or persons whom the fish and game commissioner, or any of his deputies, has reason to believe to be guilty of a violation of this Act; if arrested without warrant to hold the person so arrested until a warrant can be procured; to open, enter, and examine motor cars, trucks, vehicles, stages, packs, warehouses, stores, outhouses, boxes, barrels, sheep and cattle camps, and camp wagons, and restaurants, where the State fish and game commissioner, or any deputy has reason to believe game, fur, or fish taken or held in violation of law may be found, and to seize any fish or game unlawfully taken or held; provided that a dwelling house actually occupied shall not be entered or searched except pursuant to the mandate of a search warrant

regularly issued by a court of competent jurisdiction. All fish and game seized pursuant to this Act shall be sold and the proceeds of such sale deposited in the fish and game fund. He shall make a detailed report of his official transactions, including the number of kinds of fish and game distributed, and the locality and names of streams, ponds, and lakes where the same have been placed, and submit such report, together with such recommendations as are deemed necessary by him for the future benefit of the fish and game of the State, to the governor and legislature not later than December 31st, preceding each regular session.

Sec. 6. Salaries-expenses.

The State fish and game commissioner shall receive as compensation the sum of \$3,600.00 per annum, and the chief deputy and each additional deputy, fish and game culturist, and other employees shall receive such compensation as the State fish and game commissioner, by and with the approval of the State board of examiners, shall determine. In addition to the compensation herein specified, said State fish and game commissioner, chief deputy, fish and game culturists and other employees shall receive actual and necessary traveling expenses incurred in the performance of their duties.

Sec. 7. Licenses-hunt or fish, etc-limitation-trappers---nonresidents-fees-exceptions.

It shall be unlawful for any person to, at any time, fish for any variety of fish, or shoot at, kill or trap for, or take in any manner any game animals or game birds of any kind, or any marten mink, muskrat, beaver, otter, or civet cat, without first procuring and having on his or her person a license as herein provided. The license year shall begin January 1st and end December 31st of each year. Every act of pursuing, hunting or killing any of the game animals or birds of this State without a license shall be considered a distinct and separate offense.

1. Fish, hunt, trap-non-resident-fees-penalty.

Any male person, who is a citizen of the United States and a resident of the State of Utah, who is sixteen years of age and over, upon making application to any license agent hereinafter provided for, and upon the payment of two dollars may receive a license to hunt for game birds and game animals, except elk, marten, mink, mountain sheep, muskrat, beaver, otter, civet cat, and skunk, and angle for fish within the State of Utah.

Any male person who is a citizen of the United States and a resident of the State of Utah, who is more than twelve and under sixteen years of age, and all female persons who are citizens of the United States and who reside in the State of Utah, who are sixteen years of age and over, upon making application to any license agent and upon the payment of one dollar, may receive a license to hunt for game birds and game animals, except elk, mountain sheep, marten, mink, muskrat, beaver, otter, civet cat and skunk, and angle for fish within the State of Utah. Provided that no person under the age of sixteen years shall be allowed to pursue, hunt, or kill deer.

Any person who is a citizen of the United States and a resident of the State of Utah, over sixteen years of age, upon making application to any license agent, and upon the payment of five dollars, may receive a license to hunt and trap for marten or sable, mink, skunk, raccoon, civet cat and muskrat.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of three dollars, may receive a license to angle for any kind of fish.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of five dollars, may receive a license to angle for any kind of fish and hunt for any kind of game animals or game birds except deer, elk, mountain sheep, marten, mink, muskrat, beaver, otter, civet cat and skunk.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of ten dollars, may receive a license to hunt for bear and deer.

Provided that each and all of the licenses herein specified permit the holder thereof to angle for fish and hunt for and kill game birds and game and fur-bearing animals only during such open seasons and under such conditions as are hereinafter specified in this Act. Provided further that male persons not more than twelve years of age and female persons not more than sixteen years of age, who are citizens of the United States and residents of the State of Utah, may angle for fish in accordance with the provisions of this Act, without first procuring a license.

Provided, further, that each and every license specified in this Act shall be nontransferable and shall permit the person only in whose name said license is issued to hunt or angle in accordance with same, and it shall be unlawful for any person to whom a license has been issued to permit another person to carry same for the purpose of hunting or angling. Provided, further, that any license holder, when encountered by the State fish and game commissioner, or any of his deputies, shall, upon request of said officer, immediately produce said license for examination. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25.00.

2. Seining-bond-fee-penalty.

No person shall seine for fish in the waters of this State without first applying for and securing a license and furnishing bond as herein provided. The State commissioner may issue a license upon application made in accordance with the requirements of this Act and the rules and regulations prescribed by him, the payment of a fee of \$25.00 and the filing with the State commissioner of a bond with two sufficient sureties in the penal sum of \$500.00, payable to the State of Utah, to seine for carp, suckers, mullets, catfish, and chubs in Utah lake; upon the payment of a fee of \$5.00 and the filing with the State commissioner of a bond of two sufficient sureties in the penal sum of \$500.00, payable to the State of Utah, to seine in such other waters as may be designated by this act. Said bond shall be conditioned that no fish protected by the laws of this State from seining will be retained, that diligence will be used by the holder thereof to prevent the death of any of said fish and that said licensee shall keep, obey, and perform all of the terms, conditions and requirements of this Act and if said licensee shall fail to keep, perform, or obey any of the requirements of this Act, the makers of said bond shall be liable to pay the sum of \$50.00 as liquidated damages and full costs of suit for each and every violation of this Act. The State commissioner shall furnish a blank for said bond. When a bond is prepared it shall be delivered to the State commissioner or to a deputy, 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 a license to the person giving such bond. Any person who shall seine for fish or catch fish with a seine without first applying for and securing a license as herein required, or who shall take game fish by means of seines or shall otherwise violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00, and all seines, boats, and fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund, and license to do business as seiner in any of the public waters of the State shall be cancelled and withheld in the discretion of the State fish and game commissioner.

3. Catfish-penalty.

Any person who shall engage in fishing for catfish for the purpose of marketing the same, from any of the public waters of this State, by means other than seining except angling shall first make application to the State commissioner for a permit so to do and upon payment of a license fee of \$10.00 such permit may be granted and rules and regulations prescribed by the State commissioner under which such fish may be taken and marketed. Any person who shall violate any of the provisions of this Act, or any of the rules and regulations prescribed by the State commissioner under the authority of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00; and boats, tackle, and other fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund.

4. License for private ponds-protection-permit to sell and ship penalty.

No person shall sell or offer for sale fish taken from private ponds without first securing a license to sell such fish as herein required. Such license shall be procured by making application in writing to the State commissioner. Such application shall contain the number and location of the pond or ponds from which the fish are to be taken; the kind of fish to be sold, offered for sale, or shipped, and if to be shipped, the railroad station to which the said fish are to be delivered for shipping, and shall be accompanied with a fee of \$1.00. Upon receipt of such application and fee, provided, it shall be the duty of the State commissioner by investigation to ascertain whether or not the pond or ponds described in the application are private ponds, and if the fish which the applicant seeks to sell were in fact propagated and grown in said pond or ponds. And if it be found that the said pond or ponds are private and that the said fish were so propagated and grown, it shall be the duty of the State commissioner to issue a license permitting the applicant to sell said fish. Such license shall be issued in triplicate and contain the following statements of fact:

- (a) The date when issued.
- (b) The person to whom issued.
- (c) The number and location of the pond or ponds from which the fish are to be taken.
- (d) The station from which the shipments are to be made, if to be shipped.
- (e) The place at which the fish are to be sold if not shipped. Said license shall authorize the sale of fish from private ponds under rules and regulations prescribed by the State commissioner from date of issuance to, and including the 31st day of the succeeding December. One copy of the said license shall be retained in the office of the State commissioner, one shall be delivered by the licensee to the railroad or express company accepting fish from said pond or ponds for shipment. Any person selling, offering for sale, or exposing for sale, or shipping fish taken from private

ponds, without first securing and being in possession of the license herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00.

Sec. 8. License agents- offenses- penalty.

The State fish and game commissioner shall designate State license agents and provide agents so designated with any of the forms of licenses in this Act provided, and agents so designated shall be authorized to sell and deliver licenses to all applicants excepting only applicants for licenses to seine, licenses to market catfish, and non-resident big game hunting licenses, and to make collection of all license fees fixed. License agents shall receive for all services rendered the sum of ten cents for each license issued. Such agents shall report all sales to the commissioner on or before the tenth day of each calendar month and shall accompany said report with all money received from the sale of licenses, excepting only the fee of ten cents for each license issued. It is hereby expressly provided that each individual, business firm or corporation accepting the appointment of license agent shall be considered as an agent or employee of the State and all money received from the sale of licenses, excepting only the fee of ten cents for each license issued, shall be kept separate and apart from the funds of said individual, business firm or corporation, and at all times shall be considered as belonging to the State of Utah held in trust by said license agent, and in case of business failure, assignment to creditors or bankruptcy proceedings said money shall not be considered as an asset of said license agent but a full and complete settlement shall immediately be had with the State fish and game commissioner. The State fish and game commissioner is hereby authorized to instigate proceedings in any court of competent jurisdiction for the collection of all money received by license agents for the sale of licenses and for the return of licenses not issued, and may also instigate criminal proceedings against any license agent who shall be guilty of misappropriating any of the money belonging to the State of Utah for the sale of licenses, as above specified. The willful dating of a license at other than the date when such license is issued and payment received, or the issuing of a receipt in lieu of such license is hereby declared to be unlawful. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than \$50.00.

Sec. 9. Fish for scientific purposes, etc.

It shall be lawful for the State commissioner or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, in any manner, under the direction of the commissioner, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game industry of the State.

Sec. 10. Stranded fish.

It shall be the duty of the State commissioner to Lake or cause to be taken in the most practical manner any game fish found in pools or other places where receding waters from rivers, lakes, canals, or other waterways have left them, and are likely to become dry, and to make the best disposition possible of the dead fish in the interests of the fish and game fund, and to place the live fish back in State waters.

Sec. 11. Drainage of waterways containing fish-notice-penalty.

Any person, corporation, or company owning, or controlling any irrigation canal, ditch, reservoir, mill race or other waterway leading from or into any State waterway known to contain

game fish, who shall desire to drain any such irrigation canal, ditch, reservoir, mill race or other waterway or who shall divert sufficient water from any State waterway to endanger the fish life therein, shall give a written notice to the State commissioner or one of his deputies, and on the same date shall mail a copy thereof to the State commissioner, at least five days prior to such draining. Failure to comply with the provisions L. this section shall be deemed a misdemeanor and shall be punishable by a fine of not less than one hundred dollars.

Sec. 12. Befouling fishways-penalty.

It shall be unlawful for any person, company, or corporation, or association owning or operating a sawmill reduction works, smelters, refining or concentration works, or other industry to cause or permit any sawdust, chemicals, silt, oil, tailings, or other substances detrimental or injurious to fish or game to accumulate near or to seep or flow into waters or waterways of the State reasonably necessary or desirable for the propagation of fish and game. Provided further that it shall be unlawful for any fisherman, hunter, camper, or other person to deposit or cause to be deposited in or near any of the public waters of this State any matter that may tend to pollute any of the reservoirs or streams of this State which are used or may be used for culinary purposes. Any person, persons, company or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars for such violation; and each day during which such violation continues shall constitute a separate offense.

Sec. 13. Installing screens-protecting irrigating canals.

It shall be unlawful for any person or persons, company or corporation to take any water from State streams, lakes or reservoirs for power purposes, or for water works, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering said power plants, mill races, or water works system; said screen or other devices to be built and maintained under the direction of the State commissioner and at the expense of the said owner or operators. The failure of any person or persons, company or corporation to install a screen or device within thirty days after notice in writing has been given by the State commissioner shall constitute a misdemeanor, and upon conviction thereof such person, firm or corporation shall be fined not less than twenty-five dollars for such violation; and each and every day such violation continues after due notice has been given shall constitute a separate offense. Provided further that it is hereby made the duty of the fish and game commissioner to see that all irrigation canals are properly protected by some device, which shall not be the means of materially obstructing the flow of water into such canal, so that no fish may enter said ditch between April 1st, and October 15th of each year, said device to be provided and maintained out of the fish and game fund.

Sec. 14. Angling season-limits-illegal devices-waters excepted-night fishing prohibited-limit of catch-use of spears, etc.-penalty.

It shall be unlawful for any person or persons to take, catch or kill, or attempt to take, catch or kill any fish of any kind in any of the public waters of this State with any kind of a spear, grab hook, snag hook, or by the use of jack light or other artificial light of any kind or by the use of set line or night line or any kind of net or seine or any kind of fire-arms or any explosive substance or combination of explosives which have a tendency to kill or stupefy fish, or by electricity or electrical device or any other kind or device of whatsoever name and description, except as herein'after provided.

It shall be lawful for any person holding a license as herein provided to angle for common fish at any time of the year in any of the waters of this State in which seining is permitted by virtue of this Act and in addition thereto, all of the waters of the Jordan river, Utah lake, Sevier river between the mouth of Clear Creek canyon in Sevier county to, and including the Otter Creek reservoir in Piute county; in the Logan river below the railroad bridge and in the Beaver river below and including Minersville reservoir.

Provided further that it shall be lawful for any person holding a license as herein provided to angle for game fish with not more than two hooks and one line in all of the waters of the State between the 15th day of June and the 30th day of November following, both dates included, except such waters as have been closed by virtue of this Act, or those which have been or shall be closed by the State fish and game commissioner under authority given him in this Act. Provided further that it shall be lawful to angle for game fish in Strawberry reservoir, in Wasatch county, but no tributaries thereto, except Strawberry river, Indian Creek and Horse Creek pond, only between July 1st and October 15th following; and in Fish lake, Sevier county, only between June 15th and October 31st following.

Provided that it shall be unlawful for any person to fish or take game fish from any of the waters of this State at any time between the hours of nine o'clock p. m. and four o'clock a. m. or to have in his possession at any time any black bass less than eight inches in length, or any species of trout, salmon, or mountain herring less than seven inches in length. Provided further that it shall be lawful for any person duly licensed and subject to regulations herein described, to catch not more than ten pounds of game fish or not more than forty game fish in any one day, or, if after catching in weight less than ten pounds, a fish weighing more than the required weight to make ten pounds shall be caught, the person catching such fish shall be entitled to possession of same. This shall constitute one day's legal limit of catch and it shall be unlawful to have in possession at one time, more than twenty-five pounds of any or all varieties or species of game fish. The word "game fish" as used in this Act shall mean all species of trout, salmon, mountain herring or white fish, or black bass. The word "angling" as used in this Act is defined as fishing with a rod or pole held in the hand or hands. Such rod or pole to have fastened thereto a line, and attached to said line, not more than two artificial fly or bait hooks or one trolling lure with not more than one gang of not more than three hooks. Provided further that it shall be lawful to use, for the purpose of trolling in Fish lake, Bear lake, Strawberry reservoir, Panguitch lake and Puffer's lake, a single line held in the hand or hands with no rod or pole attached thereto.

It is hereby further provided that it shall be lawful to take or kill carp by the use of spears in any of the waters in which seining is permitted by this Act. Provided further that suckers may be taken by grappling hooks between April 1st and May 20th following, both dates included, only in Provo river between Utah lake and the State road bridge northwest of Provo; in Spanish Fork river between the San Pedro, Los Angeles & Salt Lake railroad bridge across said river and Utah lake; and in Hobble creek, between Main street, Springville city, and Utah lake.

Provided further that it shall be unlawful to use as bait or to deposit or scatter or cause to be deposited in any of the waters of the State known to contain game fish, any fish eggs or fish spawn or imitation thereof, provided that it shall be lawful to attach to a hook not smaller than

what the manufacturers term a number six one or more salmon eggs to be used as bait in angling in all of the waters of the State of Utah, excepting only Fish lake, Strawberry reservoir, and Panguitch lake.

Provided further that it shall be unlawful to fish from the back of a horse or to travel up or down any stream on horseback while fishing for game fish.

Provided further that the possession of any spear, grappling hook, snag hook, or any spoon hook or spinner having exceptionally large hooks as compared with the spoon thereof which, could be used as snag or grappling hooks, or any other device which clearly indicates the intent of the possessor to take game fish in any manner except angling shall be deemed as prima facie evidence of the intent to take game fish illegally.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars and shall forfeit his license for the remainder of the year.

Sec. 15. Game fish sale prohibited-penalty.

It shall be unlawful for any person to sell, offer for sale, expose for sale, or to serve in any restaurant, hotel, or other public eating house, or have in his possession with intent to sell or offer for sale any species of trout, mountain herring, bass, salmon or white fish taken from any of the public waters of this State. In prosecutions under this section, it shall be sufficient to allege generally that said fish were unlawfully sold, offered, exposed or held for sale, or served in any restaurant, hotel or public eating house, and proof of sale, or offering, exposing for sale, or serving in connection with meals, shall be prima facie evidence of guilt. Any person violating any of the provision, of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00.

Sec. 16. Screens for private ponds.

It shall be unlawful for any person, firm or corporation to operate a private pond in this State without erecting and maintaining sufficient screens, approved by the State commissioner, at the point where the water enters 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. Any corporation, person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in the sum of not less than fifty dollars.

Sec. 17. Transportation of fish and game.

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried, or transported out of the State of Utah any fish, game or game birds, or any part or parts thereof, dead or alive, except as is provided in this Act. Provided that carp, suckers, mullets, chubs and catfish may be shipped after having been first inspected by the State commissioner or one of his deputies.

Provided further that it shall be unlawful for any person, company or corporation to ship or cause to be Shipped out of the State any game fish, game or game birds without having attached thereto

a permit issued by the State fish and game commissioner. Any person, company or corporation violating any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00.

Sec. 18. Use of seines and spears-penalty.

Carp, chubs, bullheads or mud cats, mullets or suckers may be caught with seines by persons duly licensed in accordance with the provisions of this Act and under regulations prescribed by the State commissioner; provided, that seines shall not be more than four hundred yards in length and twelve feet in width 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, in the following named waters, and no others to-wit: Sevier river from Sevier lake to the State road bridge at Salina, including reservoirs, in Sanpete county, the Colorado, Green, Grand, and San Juan rivers, the Gunnison reservoir, Sanpitch river, Redmond lake, the Otter Creek reservoir; Price river from Spring Glen to Green river, Carbon county; San Rafael from Orangeville to Green river, Emery county; Weber river below the junction with Ogden river; Bear river below the Idaho line, and in Utah Lake, but not including Spring Creek lake or within one-half mile of the mouth of any stream flowing into Utah lake. Provided, that in Utah lake it shall be unlawful to use seines from April 1st to October 1st, or at any time without the presence of a deputy, who shall be paid for his services by the person holding a license, and such deputy shall give a bond of two hundred and fifty dollars for the faithful performance of his duties, payable to the State of Utah, to be filed with the State commissioner. Any person who shall take game fish by means of seines, or shall otherwise violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars; and boats, seines, and other fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund, and license to do business as seiners in any of the public waters of the State shall be cancelled and withheld in the discretion of the fish and game commissioner.

Sec. 19. Guides-permits-penalty.

Any person who shall assist any other person or persons in the pursuit of fish or game, and accepts compensation therefor, shall be termed a guide. The State fish and game commissioner shall, upon the payment of \$5.00, issue permit to any person who is a citizen of the United States and a resident of the State of Utah, to act as a guide, and it shall be unlawful for any person to act in this capacity without first having secured such permit. Any guide accepting such permit shall be jointly responsible for hily violation of the law committed by persons in his charge, and such guide shall not be permitted to take fish or game during the time during which he is acting in the capacity of guide. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$50.00.

Sec. 20. Unlawful in Fish lake, what-penalty.

It shall be unlawful for any person to fish in Fish lake, Sevier county, in any other manner than by inducing or trying to induce a fish to take into its mouth a baited or other hook; any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than \$25.00.

Sec. 21. Spawn from public waters, taking.

It shall be unlawful for any person or persons to take fish or spawn from any of the public waters of the State for the purpose of placing the same in any private pond. Provided, however, that the State fish and game commissioner, or his deputies, or any one appointed by him, may take fish or spawn from any of the waters of the State, other than private ponds; and may dispose of any surplus fish-fry or spawn to the best interests of the fish and game department. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than one hundred dollars.

Sec. 22. Unlawful devices, seizure and sale.

All seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, and other means or devices for the unlawful taking of fish or game of any kind, found in the possession of or used by any person unlawfully taking fish or game of any kind, shall be seized by the officers making the arrest and upon a finding by a court of competent jurisdiction that the said seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, or other means or devices were used in the unlawful taking of fish or game the same shall be confiscated and sold at public auction by the fish and game commissioner and the proceeds therefrom covered into the fish and game fund.

Sec. 23. Removed not applicable. Game animals defined-open season and sale of deer-killing bear-penalty.

Sec. 24. Removed not applicable. Fur-bearing animals-open season for trapping-damage by muskrats.

Sec. 25. Removed not applicable. Beaver, etc.-sale of furs.

Sec. 26. Removed not applicable. Private game farms-permit.

Sec. 27. Removed not applicable. Grouse, sage hens, quail, etc.-open season.

Sec. 28. Removed not applicable. Game preserves established.

1. HEASTON STATE GAME PRESERVE.
2. CACHE STATE GAME PRESERVE.
3. THE DIXIE STATE GAME PRESERVE.
4. THE FISH LAKE STATE GAME RESERVE.
5. MOUNT OGDEN GAME SANCTUARY.
6. STRAWBERRY VALLEY GAME PRESERVE.
7. BIG COTTONWOOD GAME PRESERVE.

Sec. 29. Removed not applicable. Carrying guns on State game preserves-permit-predatory animals-penalty.

Sec. 30. Removed not applicable. Hunting season for ducks, geese, etc.-limitations-sneak boats.

Sec. 31. Removed not applicable. Protected and unprotected birds.

Sec. 32. Removed not applicable. Penalty for killing protected birds.

Sec. 33. Removed not applicable. Sale of game birds prohibited-penalty.

Sec. 34. Illegal possession of game-penalty.

Any person who shall have in his possession any game, game fish, or birds, or the skins of any non-predatory fur-bearing animal, unlawfully taken, is guilty of a misdemeanor, and all fish and game unlawfully taken, held unlawfully, shipped or consigned for shipment, may be seized by the State commissioner or his deputies, and sold, and the proceeds deposited in the fish and game fund. Provided, further, that nothing in this section shall apply to fish shipped from private

ponds. The possession of any animal, game fish, bird or any part of the remains thereof within the time or period within which taking and killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking, killing or possession. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than \$100.00.

Sec. 35. Removed not applicable. Form of license.

Sec. 36. Removed not applicable. Public hunting grounds-sanctuaries.

Sec. 37. Removed not applicable. Silencers for firearms unlawful.

Sec. 38. Indians included, when.

It is hereby provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half-breed Indians when outside an Indian reservation.

Sec. 39. Transporting prisoners-costs.

All necessary expenses incurred in transporting and keeping a prisoner arrested under this chapter shall be paid out of the State fish and game fund in the same manner that other claims are paid out of said fund. Provided, however, that all necessary expenses incurred in transporting and keeping a prisoner arrested under this chapter may be added to the court costs in the case. The amount shall be collected from the defendant and remitted to the State fish and game warden to be credited to the State fish and game fund. Provided, also, that any court of competent jurisdiction may collect as costs in any case where a fine is assessed for a violation of the fish and game laws not to exceed \$10.00, as actual or necessary costs borne by the deputy game warden in apprehending any person convicted of violating any of the provisions of the fish and game laws, such cost shall be a legitimate charge against the offender prosecuted and fined and shall not constitute a portion of the fine as prescribed by the fish and game laws for violation of the various sections. All costs so collected shall be covered into the fish and game fund.

Sec. 40. Removed not applicable. Hunting with airplane unlawful.

Sec. 41. Wanton waste forbidden.

It shall be unlawful for any person or persons to needlessly waste or permit to be wasted or spoiled any game fish, game animal, or game bird, or parts thereof, excepting only rabbits and bear. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$25.00.

Sec. 42. Removed not applicable. Shooting from vehicles on public highways forbidden.

Sec. 43. Destruction of State property, etc.-penalty.

It shall be unlawful for any person or persons to shoot at, shoot, deface, damage, remove, or destroy any signs or placards placed or caused to be placed in any part of this State by the fish and game commissioner; or to damage, destroy, remove, or cause to be damaged, destroyed or removed any screens, dams, fishways or fish traps owned, controlled, or operated by the State fish and game department; or to shoot, shoot at, damage, destroy, or remove any road signs

placed upon any of the highways of this State for the purpose of directing sportsmen and other travelers. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$25.00.

Sec. 44. Jail sentence in lieu of fine.

The justice of the peace or court trying such action shall in all cases of conviction under this chapter, whenever any fine is imposed, order, as part of the judgment of court, that the offender shall be committed to jail, there to remain until such fine and costs are fully paid or otherwise legally discharged.

Sec. 45. Counterfeit, license, tag or permit-penalty.

It shall be unlawful to imitate or counterfeit any license, tag, or permit, or other instrument authorized by this Act, or to use any counterfeit license tag or permit for the purpose of defrauding the State of Utah, or for evading the purposes and provisions of this Act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$200.00 or imprisoned not less than 200 days.

Sec. 46. This Act shall take effect upon approval.

Approved March 7, 1923.

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