

CHAPTER 89.

[S. B. 199.]

GAME LAW.

AN ACT relating to the protection, propagation, introduction, purchase and disposition of game birds, game animals, fur bearing animals, game fish and fish; regulating the transportation, tagging and possession of game animals, game birds, game fish and fur bearing animals; making provisions for the licensing of guides; providing penalty for violations; amending Sections 5986, 5974, 8305, 5964, 5965, 5957, and 5972 of Remington's Compiled Statutes of Washington and repealing Section 5911 and all other laws in conflict therewith.

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

SECTION 1. That Section 5986 of Remington's Compiled Statutes be amended to read as follows:

Section 5986. Any person owning, erecting, managing or controlling any dam or other obstruction across the river, creek or stream within the state or forming the boundary lines of this state, shall construct in connection with such dam, durable fishways, in such manner and in such shape and size that the free passage of all game fish inhabiting such waters shall not be obstructed. Such fishways shall be maintained in good condition and kept in good repair by the person so owning, controlling, managing, operating, or using such dam or obstruction. If any person fails to construct or keep in good repair, durable and efficient fishways, as herein provided for within the period of ten days after notice, the county game commission may construct or repair the same and the cost thereof may be recovered from the owner or any person managing or being in control thereof in a civil action brought in the name of the State of Washington. Any moneys so received shall be credited to the game protection fund. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state

Vetoed
L. F. H.

shall at all times be under the supervision of the county game commission: *Provided*, That in all cases where any dam is hereafter desired to be constructed in a stream above where there is a run of food fish of the salmon species or in a stream above where there is a run of what is commonly known as food fish, and where in the judgment of the Supervisor of Game and Game Fish the construction of said proposed dam is such to make a fish ladder or fishway thereon impracticable there and in that event the Supervisor of Game and Game Fish may require as a condition precedent to granting a permit for the erection of such dam, that the person so desiring to erect such dam shall convey to the State of Washington, a site, of size and dimensions satisfactory to the Supervisor of Game and Game Fish and erect thereon a hatchery and hatchery residence according to plans and specifications to be furnished by the Supervisor of Game and Game Fish, and no permit for the construction of such dam shall be given by said Supervisor of Game and Game Fish until the person so applying for such permit shall have actually conveyed said land to the State of Washington and erected said hatchery and hatchery residence in accordance with such plans and specifications, and said hatchery, residence and grounds so erected shall be turned over to and be under the management and control of the Supervisor of Game and Game Fish, and in all cases where private trout hatcheries are licensed under any existing laws of this state, all fees collected from such licenses, and from restuarants and hotel keepers serving to guests game fish or trout obtained from private hatcheries in this state, shall be placed by the state treasurer into the state game fund. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

Vetoed
L. F. H.

Amends Rem.
Comp. Stat.
§ 8305;
Pierce's Code
§ 1985.

SEC. 2. That Section 8305 of Remington's Com-
piled Statutes be amended to read as follows:

Domestic
animal
protection
fund.

Section 8305. There shall be in the county
treasury of each county a special fund to be known
as the "Domestic Animal Protection Fund" into
which shall be paid all taxes assessed and collected
under the provisions of this act, and the county
treasurer, upon the payment of any such tax, shall
issue to the person paying the same a receipt there-
for describing the dog upon which such tax is paid,
as the same is described and listed by the county
assessor and shall also issue a metal tag bearing the
number of the year in which, and showing the sex
of the dog upon which, said tax is paid; *Provided*,
That if at any time the amount to the credit of the
Domestic Animal Protection Fund shall exceed the
sum of two hundred (\$200.00) dollars, the board of
county commissioners shall transfer the amount in
excess of two hundred (\$200.00) dollars to a wild
animal account to be used by the Department of
Agriculture for the destruction of predatory animals
in such county.

Wild animal
account.

Predatory
animals.

Amends Rem.
Comp. Stat.
§ 5974;
Pierce's Code
§ 2535-16.

SEC. 3. That Section 5974 of Remington's Com-
piled Statutes be amended to read as follows:

Trapper's
license.

Section 5974. No person over the age of sixteen
(16) years shall trap any fur bearing animal at any
time, without first having paid to the county auditor
in each county in which he is trapping, the sum of
five dollars (\$5.00) and procured a license therefor,
which license shall expire on the 31st day of March
following its issuance; *Provided*, That land owners
and leaseholders trapping upon their premises shall
be exempt; *Provided further*, That musk-rats and
moles may be trapped or killed in any manner at
any time when injuring any field, garden, dike, ditch,
dam, embankment or public highway, by applying to
the county game warden for a written permit so to
do; *Provided further*, That it shall be unlawful to

catch, trap or kill any fur bearing animals between the first day of April and the first day of October of each year, except when the same shall become predatory: *Provided further*, That all sums paid to the county auditor for trapper's licenses shall be placed to the credit of the county game fund.

SEC. 4. That Section 5964 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 5964;
Pierce's Code
§ 2585-8.

Section 5964. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any moose, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs, except as herein provided: *Provided*, That no more than two deer may be killed in the state by any one person in any one year, and it shall be unlawful at any time for any person to have in his possession in the State of Washington east of the summit of the Cascades, dead or alive, any female deer, and no more than one buck deer may be killed in the mountains lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between October 1st and November 15th of the same year: *And provided further*, That no person may kill more than two deer from October 1st up to and including November 15th of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer lawfully killed or any part thereof may be had in possession by any person during the said time. No person shall kill or have in his possession during said time more than two deer or parts thereof: *Pro-*

Moose,
deer, fawn,
mountain
sheep,
mountain
goat,
closed season.

vided, That only one buck deer may be killed in the counties of Whatcom, Skagit, Clallam and Snohomish: *And provided further*, That any person who is lawfully in possession of any deer or any parts thereof, may ship or cause to be shipped, any such deer, or any part thereof, from place to place within the state: *And provided further*, That any person desiring to retain any game bird, game animal or game fish, or any part thereof for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging same. 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 one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) or be imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days or by both such fine and imprisonment in the discretion of the court.

Possession
after close
of season.

Tags.

Penalty.

Deer,
possession
without
tag.

SEC. 5. It shall be unlawful within the State of Washington for any person to hunt, catch, take, kill, ship, convey or cause to be conveyed any deer unless he shall have in his possession a deer tag numbered to correspond with and attached to his license.

Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass or part thereof the deer tag corresponding to his license; and no person shall have in his possession or under his control or have in storage or as a com-

mon carrier any such carcass before being dismembered, without having such tag attached, and no person shall so mutilate the carcass of the deer that the sex cannot be determined.

SEC. 6. It shall be unlawful for any person to act as guide to any person or persons in this state without first obtaining a license from the county auditor of the county in which he resides, said license to be known as a guide's license, for which a fee of ten dollars (\$10.00) shall be charged by the county auditor, and all moneys so received shall be turned over to the game fund of the county in which said license is issued, and any such guide found guilty of violating any of the game laws of this state shall forfeit his license for one year. Guide.

SEC. 7. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any elk, elk meat, moose, moose meat, hide, hoofs, horns or teeth of any elk or moose unless lawfully acquired. Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail for not less than sixty (60) days nor more than one year. Elk.
moose.
possession.

SEC. 8. Any person, firm or corporation may have in possession, at any time, any game or fur bearing animal, any game or song bird, or any game fish, or parts thereof, lawfully taken outside the boundaries of the State of Washington or lawfully taken within the State of Washington, for purposes Imported
game.

of propagation, tanning, manufacturing into wearing apparel, mounting, or for ornamental purposes, with the right to dispose of the same in the usual course of trade: *Provided*, Always that the same have been, within three (3) days after their receipt, reported in writing to the State Supervisor of Game and Game Fish, or the Game Commission of the county wherein the same is to be kept or used, as herein specified. The State Supervisor of Game and Game Fish or the County Game Commission shall cause the same to be tagged or marked for identification, to the ends that no fraud or evasion shall be perpetrated upon the laws of the State of Washington. The State Supervisor of Game and Game Fish or the County Game Commission shall be authorized to charge and collect for tagging and marking, as aforesaid, the sum of ten cents (10c) for each tag, and in addition thereto, the usual mileage fee charged by sheriffs in the county where the services are to be performed: *Provided* That all beaver skins shall be tagged by the State Supervisor of Game and Game Fish and the above fee charged therefor.

Tagged.

SEC. 9. Any person found guilty of violating any of the game laws of this state shall, in addition to the penalty imposed by the law relating thereto, forfeit his game license and shall not be entitled to be granted a new license until the first day of March succeeding.

Violation,
license
forfeited.

SEC. 10. That Section 5957 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 5957,
Pierce's Code
§ 2585-6.

Section 5957. Every person who shall between the sixteenth day of January and the thirtieth day of September, both dates inclusive of the same year, in counties west of the summit of the Cascade mountains, and every person who shall between the first day of January and the fifteenth day of September,

Migratory
birds.

both dates inclusive of the same year, in counties east of the summit of the Cascade mountains, hunt, pursue, take, kill, injure, destroy or possess any species of migratory birds commonly known as wild goose, brant, wild duck, coot, rail, plover, snipe, sand piper, curlews, avocets, stilts, turnstone, oystercatcher, phalaropes, or other species of birds, black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, or who shall hunt, pursue, take or kill any of the birds above mentioned in this section after sunset or one-half hour before sunrise, shall be guilty of a misdemeanor: *Provided*, That the open season on the above mentioned migratory birds in the counties of Chelan, Kittitas, Yakima, Benton, Walla Walla, Columbia, Garfield and Asotin shall be between the thirtieth day of September and the sixteenth day of January.

Closed
season.

SEC. 11. That Section 5972 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 5972;
Pierce's Code
§ 2585-14.

Section 5972. It shall be unlawful for any person to have with him either loose or in leash any dog in any wooded section of any county of the state during the time in each year when it is lawful to hunt deer in such county, without having first obtained and being in force a written permit so to do, issued by the unanimous vote or action of the game commissioners of such county. *Provided*, That this section shall not apply to the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, except the counties of Asotin, Garfield, Columbia and Walla Walla, and nothing in this exception shall be construed to prohibit stockmen to have either loose or in leash any dog in any wooded section of any county during the time in each year when it is lawful to hunt deer in such county.

Dogs
prohibited
in woods.

Offense to
prohibit
hunting.

SEC. 12. Any person not the owner, lawful occupant or lawful possessor, of any land or who is not lawfully authorized so to do, who shall wilfully post a warning as herein provided, or shall wilfully warn, drive or attempt to drive, any person off land not owned, lawfully occupied, or lawfully possessed by him, or his principal, shall be guilty of a misdemeanor.

Repeals Rem.
Comp. Stat.
§ 5911;
Pierce's Code
§ 2641-8.

SEC. 13. That Section 5911 of Remington's Compiled Statutes be and the same is hereby repealed.

Repeal if
any part
unconstitu-
tional.

SEC. 14. All other acts and parts of acts inconsistent with the provisions of this chapter are hereby repealed: *Provided*, if any section of this act shall be declared unconstitutional, it shall not affect any other section or part of section thereof.

Passed the Senate February 20, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 13, 1923, with the exception of Section 1, which is vetoed.

CHAPTER 90.

[S. B. 284.]

FOOD AND SHELL FISH.

AN ACT relating to food and shell fish and amending Sections 5682, 5693, 5709, 5711, 5717, 5731, 5734 of Remington's Compiled Statutes and adding three new sections to Chapter 1, Title 35 of Remington's Compiled Statutes to be known as Sections 5663-a, 5704-a and 5754-a, providing penalties and declaring that this act shall take effect immediately.

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

Amends Rem.
Comp. Stat.
§ 5682;
Pierce's Code
§ 2439.

SECTION 1. That Section 5682 of Remington's Compiled Statutes be amended to read as follows:

Section 5682. The failure to renew the license or to have made lawful application therefor for any fish-trap, pound-net, fish-wheel, or other fixed appli-

License
failure to
renew.