

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 366

House of Representatives, March 7, 1919.

By Mr. Weatherbee of Lincoln tabled for printing pending reference to a committee, and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

Presented by Mr. Weatherbee of Lincoln.

AN ACT to Amend and Correct Certain Clerical Errors in Chapter Thirty-three of the Revised Statutes, as Amended by Chapters Two Hundred Nineteen and Two Hundred Forty-four of the Public Laws of Nineteen Hundred Seventeen, Relating to Inland Fisheries and Game.

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

Section 1. Section five of chapter thirty-three of the revised statutes, as amended by chapters two hundred nineteen and two hundred forty-four of the public laws of nineteen hundred seventeen, is hereby amended by striking out all of said section and by substituting therefor the following section:

'Sect. 5. The commissioner of inland fisheries and game
2 may take fish, wild birds and wild animals of any kind
3 when, where, and in such manner as he chooses for the
4 purpose of science and of cultivation and dissemination,
5 and he may grant written permits to other persons to take
6 fish, wild birds and wild animals for the same purposes,
7 and may introduce or permit to be introduced, any kind
8 of fish into any waters. He may, after a hearing, set
9 apart, for a term not exceeding ten years, any waters for
10 the use of the state or of the United States commissioner of
11 fish and fisheries, in the prosecution of the work of fish cul-
12 ture and of scientific research relative to fishes. The order
13 setting apart such waters shall be recorded in the registry
14 of deeds in the county or registry district, in which they
15 are situated. In the waters so set apart, he and the United
16 States commissioner of fish and fisheries, and persons act-
17 ing under their authority may, in their respective fish cul-
18 ture and scientific work, take fish at any time or in any
19 manner, and erect and maintain any fixtures necessary for
20 such purposes. No other person shall take or kill any fish,
21 or use any implement for fishing therein, under a penalty
22 of not less than ten, nor more than one hundred dollars,
23 and a further penalty of one dollar for each fish so taken
24 or killed; provided, however, that before such hearing the
25 commissioner shall give notice thereof, by publication for
26 two successive weeks in at least one newspaper printed in
27 the county where such waters lie. He may grant permis-

28 sion to take wild animals and wild birds for park purposes
29 in this state, under such rules, regulations, and conditions
30 as he shall establish.

He may cause the destruction of any mink or other de-
2 structive animal or bird found in or around any fish hatch-
3 ery or feeding station in this state.

He may grant permits to transport in and beyond the lim-
2 its of the state, live fish, wild animals or game birds taken
3 in the state, for breeding or advertising purposes.

He may issue permits to any person, firm or corporation
2 to engage in the business of propagating game birds, game
3 or fur-bearing animals, under such regulations as he shall
4 establish. He may issue to any person, firm or corporation
5 permit to fence in or enclose land not exceeding twenty-
6 five acres in area for the above named purpose. When it
7 appears that such application is made in good faith, and
8 upon the payment of an annual fee of two dollars, said
9 commissioner may issue to the applicant a breeder's li-
10 cense permitting the breeding and rearing of any species
11 of game birds, game or fur-bearing animals within such
12 enclosure. Such licensed breeders may at any time sell,
13 transport or kill and sell, and any person, firm or corpora-
14 tion may purchase, have in possession or transport, any
15 game birds, game or fur-bearing animals raised by virtue
16 of the provisions of this section, under such regulations
17 as said commissioner may establish. Whoever engages in
18 the business of breeding or rearing any game birds or

19 game or fur-bearing animals at any time without first hav-
20 ing procured a breeder's license as provided in this sec-
21 tion, shall be subject to a penalty of not less than ten nor
22 more than fifty dollars and costs for each offense and five
23 dollars additional for each game bird or game or fur-
24 bearing animal raised or had in possession in violation of
25 any provision of this section.'

Sect. 2. Section 25 of chapter 33 of the revised statutes
2 as amended by chapter 219 of the public laws of 1917,
3 is hereby amended by striking out all of said section and
4 by substituting therefor the following section:

'Sect. 25. No person shall have in possession at any
2 time when he is upon the wild lands, waters or highways,
3 or in the woods or fields of the state, or in any camp,
4 lodge, or place of resort for hunters or fishermen, or in
5 its immediate vicinity, any jack-light or light fitted for
6 use in the hunting of game in the night time, or any swivel,
7 pivot or set gun; nor shall any person have in possession
8 at any time any spear, trawl or net (except such as are
9 authorized for the taking of suckers, eels, hornpouts and
10 yellow perch, as provided in section 27 of this chapter)
11 other than a dip net, in any camp, lodge or place or resort
12 for hunters or fishermen or in its immediate vicinity, or
13 on any of the lakes, rivers or streams of the state, or in
14 their immediate vicinity, in the inland territory of the
15 state. Whoever violates any provision of this section shall
16 be subject to a fine of one hundred dollars and costs for

17 each offense and imprisonment for sixty days, and when
18 any such implements or devices are found in possession in
19 violation of any provision of this section they are forfeit
20 and contraband, and shall be seized by any person author-
21 ized to enforce the inland fish and game laws.'

Sect. 3. Section twenty-six of chapter thirty-three of the
2 revised statutes as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of
4 1917, is hereby amended by striking out all of said section
5 and by substituting therefor the following section:

'Sect. 26. It shall be lawful, however, to take smelts in
2 all the inland waters of the state above tide-waters with
3 a dip-net in the usual and ordinary way, and to catch
4 them through the ice in the day time with single hook
5 and line at any time in waters open to ice fishing, but they
6 shall not be taken for sale or sold at any time except for
7 bait for fishing in this state; provided, however, that it
8 shall be lawful to take smelts, with single hook and line,
9 in the day time, in Sebago lake for sale within or without
10 the state, during January, February and March of each
11 year, but they shall not be taken with a dip-net in the trib-
12 utaries to Sebago lake except for consumption as food
13 in the family of the person taking the same; and provided,
14 further, that it shall be unlawful to take smelts at any time
15 in Swan lake, or in any of the tributaries to said lake, in
16 the county of Waldo, in any manner except with single
17 hook and line. Provided, further, that it shall be lawful

18 to take minnows and other fish usually used for bait in
19 fishing, in all the inland waters of the state, and to sell
20 the same for bait for fishing only in this state; and pro-
21 vided, further, that it shall be lawful to catch white fish
22 with single hook and line at any time, in all the inland
23 waters of the state, but they shall not be taken at night
24 with set lines; and provided, further, that white fish may
25 be taken, by means of nets, for food purposes only in the
26 family of the person taking the same, in such waters as
27 the commissioner of inland fisheries and game may deem
28 advisable, and under such conditions, rules and regulations
29 as he may establish; and provided, further, that it shall
30 be lawful to catch cusk at any time in waters open to ice
31 fishing with not more than five set lines to each family
32 when fishing through the ice and when under the immedi-
33 ate personal supervision of the person fishing; and provided,
34 further, that it shall be lawful to take suckers with spears,
35 in all the inland waters of the state, during April and May
36 of each year. Whoever violates any provision of this sec-
37 tion shall pay a fine of thirty dollars and costs for each
38 offense.'

Sect. 4. Section twenty-seven of chapter thirty-three of
2 the revised statutes, as amended by chapters two hundred
3 nineteen and two hundred forty-four of the public laws
4 of nineteen hundred seventeen, is hereby amended by strik-
5 ing out all of said section and by substituting therefor the
6 following section:

'Sect. 27. The commissioner of inland fisheries and game
2 may grant permits to take suckers, eels, hornpouts and
3 yellow perch, by means of eel pots, traps, spears or nets,
4 in inland waters frequented by these fish, under such
5 terms, rules and regulations as he may establish.

It shall be unlawful for any person to take, catch, kill,
2 destroy or have in possession any suckers, eels, hornpouts
3 or yellow perch in violation of any provision of this sec-
4 tion, under a penalty of thirty dollars and costs for each
5 offense.'

Sect. 5. Section twenty-nine of chapter thirty-three of
2 the revised statutes, as amended by chapters two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and
5 by substituting therefor the following section:

'Sect. 29. No landlocked salmon, trout, togue, black bass
2 or white perch shall be carried or transported in any way
3 except in the possession of the owner, accompanied by
4 him, plainly labeled with the owner's name and address,
5 and open to view, except any person who has lawfully in
6 his possession one landlocked salmon, one trout, one togue,
7 one black bass or one white perch, or ten pounds of any
8 kind of these fish, may transport the same to his home,
9 provided the same is shipped in his own name, or to any
10 hospital in this state, without accompanying the shipment,
11 by purchasing of an agent duly appointed therefor by the
12 commissioner of inland fisheries and game a transportation

13 tag, paying for a landlocked salmon, trout, togue or black
14 bass, one dollar for each, or one dollar for each ten pounds
15 of the same, and fifty cents for one white perch or ten
16 pounds of the same; provided, however, that no person
17 shall send more than one shipment of fish under a trans-
18 portation tag, as provided in this section, once in five
19 days; provided, further, that ten pounds of fish or one
20 fish taken legally in Rangeley lake, Mooselucmeguntic lake,
21 Cupsuptic lake, Upper Richardson lake, so-called, or Lower
22 Richardson lake, so-called, of the Rangeley chain of lakes,
23 so-called, may be sent as herein provided under a trans-
24 portation tag, only once in thirty days. . Whoever violates
25 any provision of this section shall pay a fine of not less
26 than ten, nor more than thirty dollars and costs, for each
27 offense, and in addition thereto one dollar for each pound
28 of fish transported in violation of any provision of this
29 section.'

Sect. 6. Section thirty-six of chapter thirty-three of the
2 revised statutes, as amended by chapter two hundred nine-
3 teen of the public laws of nineteen hundred seventeen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 36. Whoever, at any time, hunts, pursues or kills
2 any caribou, or has in possession any part or parts there-
3 of, whenever or wherever taken, caught or killed, shall
4 pay a fine of two hundred dollars and costs for each of-
5 fense, or be imprisoned for not exceeding four months, or

6 shall be subject to both such fine and imprisonment.'

Sect. 7. Section thirty-nine of chapter thirty-three of the
2 revised statutes, as amended by chapter two hundred nine-
3 teen of the public laws of nineteen hundred seventeen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 39. No person shall at any time hunt, catch, take,
2 kill, or destroy, with a dog, jacklight, artificial light, snare,
3 trap, swivel, pivot or set gun, any deer, caribou or moose,
4 under a penalty of one hundred dollars and costs for each
5 offense and imprisonment for sixty days.'

Sect. 8. Section forty, of chapter thirty-three, of the re-
2 vised statutes, as amended by chapter two hundred and
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and
5 by substituting therefor the following section:

'Sect. 40. Any person owning or having in his possession
2 any dog for the purpose of hunting or chasing moose, cari-
3 bou or deer, or who permits any dog owned by him or
4 in his possession to hunt or chase moose, caribou or deer,
5 after notice from the commissioner of inland fisheries and
6 game or from any inland fish and game warden or deputy
7 inland fish and game warden that such dog has chased
8 moose, caribou or deer, shall pay a fine of not less than
9 fifty nor more than one hundred dollars and costs for each
10 offense.

If a dog is found chasing moose, caribou or deer after

2 the owner or possessor thereof has been notified, as pro-
3 vided in this section, that such dog has chased moose,
4 caribou or deer, it shall be prima facie evidence that said
5 owner or possessor of such dog has permitted said dog
6 to hunt or chase moose, caribou or deer in violation of
7 this section.'

Sect. 9. Section forty-one of chapter thirty-three of the
2 revised statutes, as amended by chapter two hundred nine-
3 teen of the public laws of nineteen hundred and seventeen,
4 is hereby amended by striking out all of said section and
5 by substituting therefor the following section:

'Sect. 41. No person shall sell or give away any deer or
2 part thereof to be transported or carried beyond the limits
3 of this state; and no person shall buy or accept as a gift
4 any deer or part thereof to so transport the same; and
5 no resident of this state shall carry or transport in any
6 manner beyond the limits of this state any deer or part
7 thereof. Whoever violates any provision of this section
8 shall pay a fine of not less than fifty nor more than one
9 hundred dollars and costs for each offense.'

Sect. 10. Section forty-two of chapter thirty-three of
2 the revised statutes, as amended by chapters two hundred
3 nineteen and two hundred forty-four of the public laws of
4 nineteen hundred seventeen, is hereby amended by striking
5 out all of said section and by substituting therefor the fol-
6 lowing section:

'Sect. 42. Any citizen of the state who has lawfully killed

2 a deer may send the same to his home, provided the same
3 is shipped in his own name, or to any hospital in the state,
4 without accompanying the same, by purchasing of an agent
5 appointed therefor by the commissioner of inland fisheries
6 and game a tag, paying therefor two dollars, and said tag
7 shall be attached to the deer, or part thereof, being trans-
8 ported.

The commissioner of inland fisheries and game may ap-
2 point agents in convenient localities who may sell these
3 tags, under such rules and regulations as said commissioner
4 may adopt.'

Sect. 11. Section forty-three of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and
5 by substituting therefor the following section:

'Sect. 43. No owner or keeper of any camp, house, or
2 other building, used partly or wholly in lumbering opera-
3 tions, or employee thereof, shall use, consume, or have in
4 possession, at any time, at said camp, or serve to any em-
5 ployee thereof, any deer or part thereof, under a penalty
6 of one hundred dollars and costs for each deer or part
7 thereof so used, consumed, served or had in possession in
8 violation hereof.'

Sect. 12. Section forty-four of chapter thirty-three of
2 the revised statutes, as amended by chapters two hundred
3 nineteen and two hundred forty-four of the public laws

4 of nineteen hundred seventeen, is hereby amended by strik-
5 ing out all of said section and by substituting therefor the
6 following section:

‘Sect. 44. Except as herein provided no person or cor-
2 poration shall carry or transport from place to place
3 any deer or part thereof in closed season nor in open sea-
4 son unless open to view, tagged, and plainly labeled with
5 the name and residence of the owner thereof, and accom-
6 panied by him while being transported and identified by
7 him at such places as the commissioner of inland fisheries
8 and game shall have designated by publication in the daily
9 newspapers in the state, under a penalty of not less than
10 fifty dollars nor more than one hundred dollars and costs
11 for each deer or part thereof transported or carried in vio-
12 lation of the provisions of this section, and any person not
13 the actual owner of such deer, or part thereof, who, to aid
14 another in such transportation, falsely represents himself
15 to be the owner thereof, shall be liable to the same penalty;
16 and it shall be prima facie evidence that said deer or part
17 thereof, that is being transported or carried in violation of
18 this section, was illegally killed.’

Sect. 13. Section forty-five of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-
4 teen hundred seventeen, is hereby amended by striking out
5 all of said section and by substituting therefor the follow-
6 ing section:

'Sect. 45. The commissioner of inland fisheries and game,
2 upon written complaint of any land owner that beaver are
3 doing actual, substantial damage to his property, shall have
4 authority to declare an open season for beaver upon such
5 land for such period of time and under such conditions as
6 he may deem necessary to remove the beaver that are do-
7 ing the damage complained of, during which open season
8 it shall be lawful for any person holding a beaver trapping
9 license, issued in accordance with the provisions of section
10 fifty of this chapter, to trap beaver thereon without secur-
11 ing permission of the land owner. No open season for
12 beaver as contemplated by this section shall take effect
13 until the commissioner of inland fisheries and game shall
14 have caused notice of such proposed open season to be
15 published once in a newspaper printed in the county in
16 which the land on which the open season for beaver is
17 declared is located, and said commissioner shall also file
18 copy of said notice of open season with the clerk of the
19 town or plantation in which such land is located, or if the
20 land is in an unorganized place, with the clerk of courts
21 for the county in which the land is located. Whenever
22 during a special open season on beaver as is contemplated
23 by this section it shall appear to the commissioner of in-
24 land fisheries and game that the privileges of such open
25 season are being abused in any place, said commissioner
26 of inland fisheries and game may suspend the open season
27 and declare it close season for beaver on such land for such

28 time as he may designate. No person shall take any beaver
29 anywhere in the state at any time except during such open
30 season as may be designated.

Sect. 14. Section forty-seven of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 and nineteen of the public laws of nineteen hundred seven-
4 teen, is hereby amended by striking out all of said section
5 and by substituting therefor the following section:

'Sect. 47. No person shall at any time during closed sea-
2 son on foxes dig out, molest, or destroy, in any way, any
3 fox den or fox dens, or remove or cause to be removed
4 therefrom any fox or foxes, except those enclosed in pri-
5 vate fox ranches. Whoever violates any provision of this
6 section shall pay a fine of ten dollars and costs for each
7 offense.'

Sect. 15. Section fifty of chapter thirty-three of the re-
2 vised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-
4 teen hundred seventeen, is hereby amended by striking out
5 all of said section and by substituting therefor the follow-
6 ing section:

'Sect. 50. Whoever hunts, captures or traps any fur bear-
2 ing animals, except bobcats, loup cervier, Canada lynx or
3 bears, in any of the unorganized townships of the state,
4 shall annually procure a license therefor, from the com-
5 missioner of inland fisheries and game, paying therefor a
6 fee of ten dollars; provided, further, that whoever hunts,

7 captures or traps beaver in any territory opened to beaver
8 trapping by said commissioner shall pay therefor a fee
9 of twenty-five dollars annually. All persons licensed un-
10 der the provisions of this section shall, on or before the
11 fifteenth day of December of each year, make such report
12 to said commissioner as may be called for by him. Who-
13 ever violates any provision of this section shall pay a fine
14 of one hundred dollars and costs for each offense.'

Sect. 16. Section fifty-one of chapter thirty-three of the
2 revised statutes, as amended by chapter two hundred nine-
3 teen of the public laws of nineteen hundred seventeen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 51. No person shall at any time set a snare or a
2 swivel, pivot or set gun for any fur bearing animal, under
3 a penalty of one hundred dollars and costs for each offense
4 and by imprisonment for sixty days, and shall forfeit any
5 such snare, swivel, pivot or set gun, and any wild animal
6 found in such snare, or killed by such swivel, pivot or set
7 gun, to any person finding the same; nor shall any person
8 at any time set any trap or traps of any kind for any wild
9 animal without having the trap or traps plainly labeled
10 with his full name and address, either by having the same
11 stamped on the trap, or on a metal tag firmly attached to
12 the trap, nor shall any person at any time set a trap or
13 traps for foxes in Lincoln county, under a penalty of five
14 dollars and costs for each offense and in addition thereto

15 five dollars for each trap set and not marked as provided
16 herein, and shall forfeit the trap or traps, and any wild
17 animal found therein; provided, further, that no person
18 shall set a bear trap at any time unless the same is enclosed
19 in a hut, so-called, under a penalty of fifty dollars and costs
20 for each offense.'

Sect. 17. Section fifty-two of chapter thirty-three of the
2 revised statutes, as amended by chapter two hundred nine-
3 teen of the public laws of nineteen hundred seventeen, is
4 hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 52. Any person setting a trap in any organized or
2 incorporated place shall visit said trap, or cause the same
3 to be visited, at least once in every twenty-four hours and
4 remove therefrom, or cause to be removed, any animal
5 found caught therein. No person shall set a trap or traps
6 in any organized or incorporated place without first ob-
7 taining the written consent of the owner or occupant of
8 the land on which said trap or traps are to be set, except
9 when trapping beaver as provided in section forty-five of
10 this chapter. Whoever violates any provision of this sec-
11 tion shall pay a fine of not less than ten, nor more than
12 fifty dollars and costs for each offense.'

Sect. 18. Section sixty-one of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of
4 nineteen seventeen, is hereby amended by striking out all

5 of said section and by substituting therefor the following
6 section:

‘Sect. 61. No person shall transport any deer, or part
2 thereof, for any non-resident, otherwise than as provided
3 in this section and the two preceding sections. No agent,
4 servant, or employee of any transportation company, rail-
5 road company, express company, boat or common carrier
6 shall receive for shipment or transport, or have in his pos-
7 session with intent to ship or transport any carcass of a
8 deer, or part of the same, or any game birds, for a non-
9 resident, except as provided in this section and the two
10 preceding sections, or refuse or neglect to detach the sec-
11 tions of the coupons as therein provided, or fail to for-
12 ward to the commissioner of inland fisheries and game, at
13 Augusta, Maine, as therein provided, the sections of cou-
14 pons by him detached; provided, however, that any person
15 who has purchased a non-resident hunter’s license and who
16 has in his possession one pair of game birds which he has
17 legally killed may transport the same to his home or to any
18 hospital in this state without accompanying the shipment,
19 by purchasing of the duly constituted agent therefor a tag,
20 paying for the same fifty cents, and by presenting said tag
21 with the pair of game birds offered for shipment to the
22 agent of any transportation company or common carrier,
23 together with his non-resident hunter’s license. Before
24 accepting a pair of game birds for shipment as herein
25 provided, the agent of the transportation company or com-

26 mon carrier to whom the same is offered for shipment shall
27 be satisfied that the person presenting the pair of game
28 birds for shipment is the person to whom the non-resident
29 hunter's license offered for inspection was issued, and shall
30 securely affix the tag to such shipment; provided, further,
31 that no person shall send more than one pair of game birds
32 under a special tag, as provided herein, but once in thirty
33 days.

'Every person licensed to hunt under the provisions of
2 section fifty-nine of this chapter shall, on or before the
3 fifteenth day of December annually, report to the commis-
4 sioner of inland fisheries and game, at Augusta, Maine,
5 on a blank furnished by said commissioner, the number
6 of game and other wild animals and game birds taken
7 during the year, also such other useful information rela-
8 tive to inland fish and game and the protection thereof as
9 said commissioner may deem of importance to the state.'

Sect. 19. Section sixty-three of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section, and
5 by substituting therefor the following section:

'Sect. 63. Non-residents of the state shall not enter upon
2 any unorganized or unincorporated township of the state
3 and camp or kindle fires thereon while engaged in hunting
4 or fishing, without being in charge of a registered guide,
5 during the months of May, June, July, August, September,

6 October and November, and no registered guide shall, at
7 the same time, guide or be employed by more than five
8 non-residents in hunting.

‘Any such non-resident who enters upon any unorganized
2 or unincorporated township of the state and camps or
3 kindles fires thereon, while engaged in hunting or fishing
4 without being in charge of a registered guide, during the
5 months of May, June, July, August, September, October
6 and November, in violation of the provisions herein con-
7 tained, or any guide who shall guide at the same time, or
8 be employed by, at the same time, more than five non-
9 residents in hunting, shall pay a fine of forty dollars and
10 costs for each offense.’

Sect. 20. Section sixty-five of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-
4 teen hundred seventeen, is hereby amended by striking out
5 all of said section and by substituting therefor the follow-
6 ing section:

‘Sect. 65. It shall be unlawful for any unnaturalized,
2 foreign-born person who is not a tax payer upon real estate
3 within this state and who has not resided within the limits
4 of this state for two years continuously prior to the time
5 he desires to hunt, to hunt in any manner, at any time,
6 or pursue, catch, kill or have in possession any wild ani-
7 mals or birds, or part or parts thereof, within the limits
8 of this state, or to fish for, take, catch or kill any kind

9 of fish at any time in any of the inland waters of this state,
10 or to have any inland fish in possession, unless he is an-
11 nually licensed so to do as hereinafter provided. The com-
12 missioner of inland fisheries and game, upon the applica-
13 tion of any unnaturalized, foreign-born person who is a
14 resident of any city, town or plantation within the state,
15 and upon the payment of a fee of fifteen dollars may issue
16 to such person a license upon a form to be supplied by
17 him, bearing the name, age and place of residence of the
18 licensee with a description of him as near as may be, au-
19 thorizing the said licensee to hunt and kill, in accordance
20 with law, game birds, game or other wild animals on any
21 lands on which said hunting or killing is not forbidden
22 by law, or by written or printed notices posted thereon
23 by the owner, lessee or occupant thereof. But to fish for,
24 take, catch, or kill any kind of fish at any time in any of
25 the inland waters of this state an annual fee of two dollars
26 and fifteen cents shall be paid to said commissioner. Such
27 licenses shall authorize the hunting or killing and having
28 in possession of game birds, game or other wild animals
29 or the taking; catching, killing or having in possession of
30 inland fish only in their respective open seasons and in the
31 manner provided by law; such licenses shall not be trans-
32 ferable and shall be exhibited upon demand to the com-
33 missioner of inland fisheries and game, or to any inland
34 fish and game warden or deputy inland fish and game

35 warden, or to any sheriff, constable, police officer or other
36 officer qualified to serve process.'

Sect. 21. Section sixty-six of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-
4 teen hundred seventeen, is hereby amended by striking out
5 all of said section and by substituting therefor the follow-
6 ing section:

'Sect. 66. No unnaturalized, foreign-born person required
2 to be licensed under the provisions of the preceding section
3 shall have in possession, when he is upon the wild lands
4 or in the woods or fields or on any inland waters of the
5 state, any firearm or firearms or fishing tackle unless he
6 is licensed as herein provided and all firearms or fishing
7 tackle found in his possession in violation of this section
8 shall be forfeit and contraband and shall be seized by any
9 person authorized to enforce the inland fish and game laws.
10 All firearms or fishing tackle seized by virtue of this sec-
11 tion shall forthwith be forwarded to the commissioner of
12 inland fisheries and game at Augusta by the person seizing
13 the same, and upon conviction of the person or persons
14 from whom they were seized said firearms shall be sold,
15 and the proceeds from such sale paid to the commissioner
16 of inland fisheries and game and by him to the state treas-
17 urer to be credited to the appropriation for the maintenance
18 of the department of inland fisheries and game. Whoever
19 violates any provision of this or the preceding section shall

20 pay a fine of twenty-five dollars and costs, for each offense.'

Sect. 22. Section sixty-eight of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and
5 by substituting therefor the following section:

'Sect. 68. The commissioner of inland fisheries and game
2 may, in his discretion, annually issue licenses to residents
3 of this state, to buy and sell deer skins, and the heads of
4 deer if not detached from said skins, during the months
5 of January, October, November and December. Provided,
6 however, that deer heads so purchased may, when detached
7 from the skins, be sold to licensed taxidermists. Such
8 licensee shall keep a true and complete record, which shall
9 be open to inspection by the commissioner of inland fish-
10 eries and game or any person authorized to enforce the
11 inland fish and game laws, of all such heads and skins
12 purchased, of whom purchased and the date of each pur-
13 chase, and shall send such record annually, under oath, to
14 the commissioner of inland fisheries and game on or before
15 the twentieth day of December of each year. The fee for
16 such license shall be twenty-five dollars, to be paid to the
17 said commissioner. All deer skins and deer heads pur-
18 chased by virtue of this section shall be transported only
19 under such rules, restrictions and limitations as shall, from
20 time to time, be made by said commissioner. Whoever
21 buys any skins or heads of deer without being licensed as

22 herein provided, or whoever, licensed as aforesaid, neglects
23 to keep the record and forward the same to said commis-
24 sioner as herein provided, or whoever refuses to exhibit
25 said record upon request to the commissioner of inland
26 fisheries and game or to any person authorized to enforce
27 the inland fish and game laws, or whoever, licensed as
28 aforesaid, purchases any deer heads or deer skins during
29 any month except January, October, November and Decem-
30 ber, or whoever transports any deer skins or deer heads
31 purchased by virtue of this section in violation of any rules
32 and regulations promulgated by said commissioner by vir-
33 tue of this section, shall pay a fine of not less than fifty
34 nor more than one hundred dollars and costs for each of-
35 fense and be imprisoned not exceeding sixty days and in
36 addition thereto forfeit his license as such dealer for a
37 period of five years.'

Sect. 23. Section sixty-nine of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-
4 teen hundred seventeen, is hereby amended by striking out
5 all of said section and by substituting therefor the follow-
6 ing section:

'Sect. 69. The commissioner of inland fisheries and game
2 may annually issue licenses to residents of this state to en-
3 gage in the business of buying otter, sable or fisher skins
4 or the skins of any other fur-bearing animals. Each li-
5 censee shall keep a record, which shall be open to inspection

6 by the commissioner of inland fisheries and game or any
7 person authorized to enforce the inland fish and game laws,
8 of all skins purchased, as aforesaid, in an appropriate book
9 furnished him by the said commissioner, and shall send
10 such record, under oath, to said commissioner on or before
11 the twentieth day of December of each year. The fee for
12 a county license shall be two dollars and for a state license
13 shall be twenty-five dollars to be paid to the said commis-
14 sioner. Whoever buys any skins of otter, sable or fisher
15 or the skins of any other fur-bearing animals without be-
16 ing licensed as herein provided, or whoever, licensed as
17 aforesaid, neglects to keep the record and forward the same
18 to said commissioner as herein provided, or whoever re-
19 fuses to exhibit said book for inspection by the commis-
20 sioner of inland fisheries and game or any person authorized
21 to enforce the inland fish and game laws, shall pay a fine
22 of fifty dollars and costs for each offense. All skins of
23 fur-bearing animals bought in violation of the provisions
24 of this section shall be forfeit and contraband and shall
25 be seized by any person authorized to enforce the inland
26 fish and game laws and upon conviction of the person or
27 persons from whom they were seized, they shall be sold,
28 and the proceeds from such sale paid to the treasurer of
29 state.'

Sect. 24. Section seventy of chapter thirty-three of the
2 revised statutes, as amended by chapters two hundred nine-
3 teen and two hundred forty-four of the public laws of nine-

4 teen seventeen, is hereby amended by striking out all of
5 said section and by substituting therefor the following sec-
6 tion:

‘Sect. 70. Any marketman or provision dealer having an
2 established place of business in the state, may purchase
3 and have in possession at his said place of business not
4 more than two deer, lawfully killed or destroyed, or any
5 part thereof, in any one year, and may sell the same at re-
6 tail to his local customers, and may sell the heads of such
7 deer to any licensed taxidermist; provided, however, that
8 said marketman or provision dealer, shall annually procure
9 a license of the commissioner of inland fisheries and game
10 to carry on said business of buying and selling deer as
11 aforesaid; and provided, further, that said marketman shall
12 record in a book kept for that purpose, and open to the
13 inspection of inland fish and game wardens, deputy inland
14 fish and game wardens and the commissioner of inland fish-
15 eries and game, the name and residence of each person of
16 whom he purchases any deer, and the date of such pur-
17 chase; and if any marketman or provision dealer shall vio-
18 late any provision of this section he shall pay a fine of five
19 hundred dollars, for each offense, and be prohibited for five
20 years thereafter from the benefits of this section. All mar-
21 ketmen or provision dealers licensed as aforesaid shall pay
22 to the commissioner of inland fisheries and game in cities
23 and towns of over three thousand inhabitants, five dollars
24 annually, and three dollars in all other places; said market-

25 men and provision dealers holding these licenses shall, on
26 the twentieth day of each December, make, sign and send
27 to the commissioner, under oath, a statement setting forth
28 in detail the number of deer by them bought, and of whom
29 bought, and the date of each purchase, during the time cov-
30 ered by their licenses; and whoever fails to make such re-
31 port shall pay a fine of one hundred dollars and costs.

Sect. 25. Section seventy-two of chapter thirty-three of
2 the revised statutes, as amended by chapters two hundred
3 nineteen and two hundred forty-four of the public laws
4 of nineteen hundred seventeen, is hereby amended by strik-
5 ing out all of said section and by substituting therefor the
6 following section:

'Sect. 72. If the holder of any license, certificate or per-
2 mit, issued in conformity with any provision of this chap-
3 ter, is charged with having violated or countenanced the
4 violation of any provision of this chapter, the commissioner
5 may, at his discretion, temporarily suspend such license,
6 certificate or permit; and whenever the holder of such li-
7 cense, certificate or permit, as provided in this section, is
8 convicted of the violation of any provision of this chap-
9 ter, said commissioner may, at his discretion, cancel such
10 license, certificate or permit and strike his name from the
11 official record; but such license, certificate or permit may
12 again be issued at the discretion of the commissioner. Any
13 license, certificate or permit suspended or canceled by vir-
14 tue of this section shall be immediately returned to the

15 commissioner, under a penalty of fifty dollars for refusal
16 or neglect to comply with this requirement.

‘If any applicant for any kind of license, certificate, or per-
2 mit provided for in this chapter, or amendments thereof,
3 makes a false statement in order to secure such license, cer-
4 tificate, or permit, he shall be subject to a penalty of fifty
5 dollars and costs for each offense and in addition thereto be
6 imprisoned not exceeding three months.’

Sect. 26. Section seventy-four of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and by
5 substituting therefor the following section:

‘Sect. 74. There shall be a closed season on wild birds in
2 this state from sunset to half an hour before sunrise of
3 the following morning, and on wild animals from one hour
4 after sunset until one hour before sunrise of the following
5 morning, during which closed season it shall be unlawful
6 to hunt, kill or destroy wild birds or wild animals, of any
7 kind. No person shall have in possession, at any time, any
8 wild bird or wild animal, or part thereof, taken in violation
9 of any provision of this section. Whoever violates any pro-
10 vision of this section shall pay a fine of not less than ten, nor
11 more than fifty dollars and costs for each offense; provided,
12 however, that if protected wild birds or wild animals are
13 hunted, killed, destroyed or had in possession in violation
14 of this section the penalty shall be the same as is now im-

15 posed therefor during other closed season; provided fur-
16 ther, that the provisions of this section shall not apply to
17 the hunting of raccoons at night from August fifteenth to
18 October thirty-first, following, of each year, both days in-
19 clusive.'

Sect. 27. Section eighty-one of chapter thirty-three of
2 the revised statutes, as amended by chapter two hundred
3 nineteen of the public laws of nineteen hundred seventeen,
4 is hereby amended by striking out all of said section and by
5 substituting therefor the following section:

'Sect. 81. All birds, fish, game or other wild animals, or
2 parts thereof, hunted, caught, killed, destroyed, bought,
3 sold, carried, transported, or found in possession of any
4 person or corporation, in violation of any provision of this
5 chapter, shall be liable to seizure, and in case of conviction
6 for such violation the court shall declare the same forfeited
7 to the state, to be sold for the benefit of the state. Any per-
8 son whose birds, fish, game or other wild animals, or parts
9 thereof, have been seized for violation of any game or fish
10 law, shall have it returned to him on giving to the officer
11 a bond with sufficient sureties, who shall be residents of
12 the state, in double the amount of the fine for such viola-
13 tion, conditioned that, if convicted of such violation, he will,
14 within thirty days thereafter, pay such fine and costs. If
15 he neglects or refuses to immediately give such bond and
16 take the birds, fish, game or other wild animals, or parts
17 thereof, so seized, he shall have no action against the offi-

18 cer for such seizure or for the loss of the birds, fish, game
19 or other wild animals, or parts thereof, seized.'

Sect. 28. Section eighty-four of chapter thirty-three of
2 the revised statutes, as amended by Chapter two hundred
3 and nineteen of the public laws of nineteen hundred seven-
4 teen, is hereby amended by striking out all of said section
5 and by substituting therefor the following section:

'Sect. 84. Any officer authorized to enforce the inland
2 fish and game laws may, without process, arrest any viola-
3 tor of said laws, and shall with reasonable diligence, cause
4 him to be taken before any trial justice or any municipal or
5 police court, in the county where the offense was commit-
6 ted, or in any adjoining county, for a warrant and trial.
7 Jurisdiction in such cases is hereby granted to all trial jus-
8 tices and all other courts to be exercised in the same man-
9 ner as if the offense had been committed in that county;
10 and any officer who shall maliciously, or without probable
11 cause, abuse his power in such proceedings shall upon con-
12 viction be punished by a fine of not exceeding one hundred
13 dollars, and costs, or by imprisonment not exceeding three
14 months.

Whoever is convicted, in any court, or by any trial justice,
2 of a violation of any inland fish or game law which is pun-
3 ishable by a fine and costs only, without imprisonment, shall
4 be liable to not exceeding thirty days imprisonment in a
5 county jail for the non-payment of said fine and costs, or
6 until the same are paid.'