

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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OF THE
STATE OF MAINE.

1891.

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and they shall elect one of them. Vacancies in counties, however caused, shall be filled within three months after notice to the secretary of the oldest society in the county where such vacancy exists; if there is more than one at a special meeting, in the same manner as is hereinbefore provided for the election of county members of said board. The written certificate of the secretary of the society or convention electing a member, shall be his credentials in the board.'

—credentials of members.

Approved March 25, 1891.

Chapter 95.

An Act to amend chapter thirty of the Revised Statutes, relating to the protection of Game.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Section nine of chapter thirty of the revised statutes is hereby amended by striking out all of said section after the figure "nine," and inserting the following words: 'whoever hunts, catches, kills or destroys with dogs any moose, or in any manner hunts, catches, kills, destroys or has in possession any cow moose, or part thereof, forfeits one hundred dollars for every moose or cow moose so hunted, caught, killed, destroyed or had in possession; and no person shall, between the first days of January and October in any manner hunt, catch, kill, destroy or have in possession any bull moose, or any part thereof, taken in close time, under the same penalty;' so that said section as amended, shall read as follows:

SECT. 9. Whoever hunts, catches, kills or destroys with dogs any moose, or in any manner hunts, catches, kills, destroys or has in possession any cow moose, or part thereof, forfeits one hundred dollars for every moose, or cow moose so hunted, caught, killed, destroyed or had in possession; and no person shall, between the first days of January and October, in any manner hunt, catch, kill, destroy or have in possession any bull moose, or any part thereof, taken in close time, under the same penalty.'

Hunting moose with dogs, or cow moose in any manner, how punished.

—hunting at all between Jan. 1 and Oct. 1, prohibited.

SECT. 2. Section ten of said chapter is hereby amended by striking out all of said section after the figures "ten," and inserting the following words: 'whoever hunts, catches,

kills or destroys with dogs any deer or caribou, forfeits forty dollars for every deer or caribou so hunted, caught, killed or destroyed; and no person shall, between the first days of January and October in any manner hunt, catch, kill, destroy or have in possession any deer or caribou, or part thereof, taken in close time, under the same penalty. Any person may lawfully kill any dog found hunting moose, deer or caribou, or kept or used for that purpose. Any person owning or having in possession any dog for the purpose of hunting moose, deer or caribou, or that is kept or used for such hunting, forfeits not less than twenty nor more than one hundred dollars;’ so that said section as amended, shall read as follows :

‘SECT. 10. Whoever hunts, catches, kills or destroys with dogs any deer or caribou, forfeits forty dollars for every deer or caribou so hunted, caught, killed or destroyed; and no person shall, between the first days of January and October, in any manner hunt, catch, kill, destroy or have in possession any deer or caribou, or part thereof, taken in close time, under the same penalty. Any person may lawfully kill any dog found hunting moose, deer or caribou, or kept or used for that purpose. Any person owning or having in possession any dog for the purpose of hunting moose, deer or caribou, or that is kept or used for such hunting, forfeits not less than twenty nor more than one hundred dollars for each dog so owned, kept, used or in possession.’

Same prohibitions as to deer and caribou.

—dogs hunting moose, deer or caribou, may be killed.

—penalty for keeping such dog.

SECT. 3. Section eleven of said chapter is hereby amended by striking out all of said section after the figures “eleven,” and inserting the following words : ‘whoever has in his possession any such animal or part thereof, between the first days of January and October shall be deemed to have hunted, caught or killed the same contrary to law, and be liable to the penalties aforesaid; but he shall not be precluded from producing proof in his defence that such animal was hunted, caught or killed in open time. Any officer authorized to enforce the fish and game laws, may search for such animal or part thereof, subject to sections twelve, thirteen and fourteen of chapter one hundred and thirty-two; and the warrant may be issued on his own complaint;’ so that said section, as amended, shall read as follows :

‘SECT. 11. Whoever has in possession any such animal or part thereof, between the first days of January and October

Possession of any part of such animal.

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presumptive
evidence of
guilt.

—officer,
powers of.

shall be deemed to have hunted, caught or killed the same contrary to law, and be liable to the penalties aforesaid; but he shall not be precluded from producing proof in his defence that such animal was hunted, caught or killed in open time. Any officer authorized to enforce the fish and game laws, may search for such animal, or part thereof, subject to sections twelve, thirteen and fourteen of chapter one hundred and thirty-two; and the warrant may be issued on his own complaint.'

SECT. 4. Section twelve of said chapter is hereby amended by striking out all of said section after the figures "twelve," and inserting the following words: 'no person shall take, kill, destroy or have in possession between the first days of October and January more than one moose, two caribou and three deer, under a penalty of one hundred dollars for every moose and forty dollars for every caribou or deer, or parts thereof, so taken, killed, destroyed or in possession in excess of said number. Whoever has in possession, except alive, more than the aforesaid number of moose, caribou or deer, or parts thereof shall be deemed to have killed or destroyed them in violation of law. But nothing in this section shall prevent any market man or provision dealer, having an established place of business in this state, from purchasing and having in possession at his said place of business, not exceeding one moose, two caribou and three deer lawfully caught, killed or destroyed, or any part thereof, at any one time, and selling the same at retail in open season to his local customers;' so that said section as amended, shall read as follows:

Killing more
than a certain
number of
moose, caribou
and deer at any
time, forbidden.

—possession,
evidence of
guilt.

—market men,
may keep a
certain number
for sale in open
season.

'SECT. 12. No person shall take, kill, destroy or have in possession between the first days of October and January more than one moose, two caribou and three deer, under a penalty of one hundred dollars for every moose, and forty dollars for every caribou or deer, or parts thereof, so taken, killed, destroyed or in possession in excess of said number. Whoever has in possession, except alive more than the aforesaid number of moose, caribou or deer or parts thereof, shall be deemed to have killed or destroyed them in violation of law. But nothing in this section shall prevent any market man or provision dealer, having an established place of business in this state, from purchasing and having in possession at his said place of business, not exceeding one moose,

two caribou and three deer lawfully caught, killed or destroyed, or any part thereof, at one time, and selling the same at retail in open season to his local customers.'

SECT. 5. Section thirteen of said chapter is hereby amended by striking out all of said section after the figures "thirteen," and inserting the following words: 'no person or corporation shall carry or transport from place to place any moose, caribou or deer, or part thereof in close time, nor in open time unless open to view, tagged and plainly labeled with the name of the owner thereof, and accompanied by him, under a penalty of forty dollars; and any person, not the actual owner of such game or part thereof, who, to aid another in such transportation falsely represents himself to be the owner, shall be liable to the penalties aforesaid,' so that said section, as amended, shall read as follows:

'SECT. 13. No person or corporation shall carry or transport from place to place any moose, caribou or deer or part thereof in close time, nor in open time unless open to view, tagged and plainly labeled with the name of the owner thereof, and accompanied by him, under a penalty of forty dollars; and any person, not the actual owner of such game or part thereof, who, to aid another in such transportation falsely represents himself to be the owner, shall be liable to the penalties aforesaid.'

Transportation during close time, prohibited.

—falsely representing owner, punished.

SECT. 6. Section fourteen of said chapter is hereby amended by inserting in the first, second, seventh and eighth lines thereof after the word "game" the words 'or fish' so that said section as amended, shall read as follows:

'SECT. 14. Any person whose game or fish has been seized for violation of any game or fish law, shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the state, in double the amount of the fine for such violation, conditioned, that if convicted of such violation he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and take the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized.'

Game or fish seized may be restored to owner, on bond.

SECT. 7. Section fifteen of said chapter is hereby amended by striking out all of said section after the figures "fifteen," and inserting the following words: 'all game hunted, caught, killed, destroyed, bought, carried, transported or found in

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possession of any person or corporation in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, shall be forfeited to the prosecutor, who may sell the same for consumption in this state,' so that said section as amended, shall read as follows:

Game hunted, etc., in violation of law, liable to seizure.

'SECT. 15. All game hunted, caught, killed, destroyed, bought, carried, transported or found in possession of any person or corporation, in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, shall be forfeited to the prosecutor, who may sell the same for consumption in this state.'

—if forfeited, may be sold for home consumption.

SECT. 8. Section sixteen of said chapter is hereby amended by striking out all of said section after the figures "sixteen," and inserting the following words: 'any officer authorized to enforce the fish and game laws, may, without process, arrest any persons found violating any of said laws; and he shall, with reasonable diligence, cause him to be taken before any neighboring trial justice in any county, for a warrant and trial; and jurisdiction in such cases in this and section nine hereof, is hereby granted to all trial justices and all other courts to be exercised in the same way and manner as if the offence had been committed in that county. And any officer who shall maliciously, or without probable cause abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars or imprisonment not exceeding three months,' so that said section as amended, shall read as follows:

Officer duly authorized, may arrest any violator, without process.

'SECT. 16. Any officer authorized to enforce the fish and game laws may, without process, arrest any violator of any of said laws; and he shall with reasonable diligence, cause him to be taken before any neighboring trial justice in any county, for a warrant and trial; and jurisdiction in such cases in this and section nine hereof, is hereby granted to all trial justices and all other courts to be exercised in the same way and manner as if the offence had been committed in that county. And any officer who shall maliciously, or without probable cause abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars or imprisonment not exceeding three months.'

—offender may be taken before trial justice in any county.

—jurisdiction granted to all trial justices.

—penalty, if officer abuses his power.

SECT. 9. Section seventeen of said chapter is hereby amended by striking out all of said section after the figures "seventeen," and inserting the following words: 'sheriffs, deputy sheriffs, police officers and constables, are vested with the powers of game wardens and their deputies, and shall receive for their services the same fees;' so that said section as amended, shall read as follows:

'SECT. 17. Sheriffs, deputy sheriffs, police officers and constables, are vested with the powers of game wardens and their deputies, and shall receive for their services the same fees.'

Sheriffs and other officers have powers of wardens; fees.

SECT. 10. Section eighteen of said chapter is hereby amended by striking out all of said section after the figures "eighteen," and inserting the following words: 'officers authorized to enforce the fish and game laws and all other persons, may recover the penalties for the violation thereof in an action of debt in their own names, or by complaint or indictment in the name of the state, and such prosecution may be commenced in any county in which the offended may be found, or in any neighboring county;' so that said section as amended, shall read as follows:

'SECT. 18. Officers authorized to enforce the fish and game laws and all other persons, may recover the penalties for the violation thereof in an action on the case in their own names or by complaint or indictment in the name of the state, and such prosecution may be commenced in any county in which the offender may be found, or in any neighboring county.'

How penalties may be recovered.

SECT. 11. Section twenty-one of said chapter as amended by chapter two hundred and forty-eight of the public laws of eighteen hundred and eighty-nine is hereby amended, by striking out all of said section after the period in the fourteenth line, and inserting the following words: 'and no person at any one time shall kill, expose for sale, or have in possession, except alive, more than thirty of each variety of birds above named, during the respective open seasons, nor shall any person at any time kill, expose for sale, or have in possession, except alive, any of the above named varieties of birds, except for consumption within this state, under a penalty of five dollars for each bird so unlawfully killed, exposed for sale or in possession; nor shall any person or corporation carry or transport from place to place in open season any of the above mentioned birds unless open to view,

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tagged and plainly labeled with the owner's name, and accompanied by him, under the same penalty; any person, not the actual owner of such birds, who, to aid another in such transportation falsely represents himself to be the owner thereof, shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of birds above named, as the property of one man under the same penalty; nothing in this section shall prevent any market man or provision dealer having an established place of business in this state, from purchasing at his said place of business, any bird lawfully caught, killed or destroyed, or any part thereof, and selling the same in open season at retail to his local customers; so that said section as amended, shall read as follows:

Certain birds not to be killed between April 1 and September 1.

SECT. 21. Whoever kills or has in possession, except alive, or exposes for sale, any wood duck, dusky duck, commonly called black duck, teal or gray duck, between the first days of April and September, or kills, sells or has in possession, except alive, any ruffed grouse, commonly called partridge, or woodcock, between the first days of December and September following; or kills, sells or has in possession, except alive, any quail between the first day of December and the first day of October following, or pinnated grouse, commonly called prairie chicken, between the first days of January and September, or plover between the first days of May and August, forfeits not less than five nor more than ten dollars, for each bird so killed, had in possession, or exposed for sale. And no person shall at any one time, kill, expose for sale, or have in possession, except alive, more than thirty of each variety of birds above named, during the respective open seasons, nor shall any person at any time kill, expose for sale, or have in possession, except alive, any of the above named varieties of birds except for consumption within this state, under a penalty of five dollars for each bird so unlawfully killed, exposed for sale or in possession; nor shall any person or corporation carry or transport from place to place in open season any of the above mentioned birds unless open to view, tagged and plainly labeled with the owner's name, and accompanied by him, under the same penalty; any person, not the actual owner of such birds, who, to aid another in such transportation falsely represents himself to be the owner thereof, shall be liable to the same penalty;

—others between Dec. 1 and Sept. 1, and between Dec. 1 and Oct. 1.

Killing or having in possession more than thirty of each variety, in open season; or at all, except for home consumption, prohibited.

Transportation prohibited in open season, unless open to view.

—falsely representing owner, punished.

nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of birds above named, as the property of one man under the same penalty; nothing in this section shall prevent any market man or provision dealer having an established place of business in this state, from purchasing at his said place of business, any bird lawfully caught, killed or destroyed, or any part thereof, and selling the same in open season at retail to his local customers.'

—transporting more than fifteen of one variety, prohibited.

—market men may sell such birds, lawfully killed, in open season.

SECT. 12. Section twenty-six is hereby amended by striking out all of said section after the figures "twenty-six" and inserting the following words: 'all fines, penalties and costs collected on complaint or indictment for the violation of any fish or game law shall be paid to the court rendering final judgment thereon, and by such court to the treasurer of the county in which said court is held; and all fines and penalties recovered in actions of debt for the violation of any such law, shall be paid forthwith to such treasurer. And all such fines and penalties shall be forthwith paid by such treasurer into the state treasury, there to be credited as additional to the funds appropriated by the state to inland fisheries and game, and sea and shore fisheries respectively, according to the special department under which they are received, the same to be used by the commissioners of fisheries and game respectively, in the enforcement of the fish and game laws. In all actions of debt therefor in any court, if the plaintiff prevails he shall recover full costs without regard to the amount recovered. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, either on complaint or indictment as aforesaid, or if by action of debt, and neglects for more than sixty days to pay the same into such county treasury, shall be punished by a fine not less than forty nor more than one hundred dollars for the first offence, and for every subsequent offence, by such fine and imprisonment not exceeding six months;' so that said section as amended, shall read as follows:

Sec. 26, amended.

SECT. 26. All fines, penalties and costs collected on complaint or indictment for the violation of any fish or game law shall be paid to the court rendering final judgment thereon, and by such court to the treasurer of the county in which said court is held; and all fines and penalties recovered in actions of debt for the violation of any such law, shall be paid forth-

Fines and costs, how disposed of.

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with to such treasurer. And all such fines and penalties shall be forthwith paid by such treasurer into the state treasury, there to be credited as additional to the funds appropriated by the state to inland fisheries and game and sea and shore fisheries respectively, according to the special department under which they are received, the same to be used by the commissioners of fisheries and game respectively, in the enforcement of the fish and game laws. In all actions of debt therefor in any court, if the plaintiff prevails he shall recover full costs without regard to the amount recovered. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, either on complaint or indictment as aforesaid, or if by action of debt, and neglects for more than sixty days to pay the same into such county treasury, shall be punished by fine not less than forty nor more than one hundred dollars for the first offence, and for every subsequent offence, by such fine, and imprisonment not exceeding six months.'

—if plaintiff prevails, shall have full costs.

—penalty, if officer neglects to pay fines to county treasurer.

Inconsistent acts repealed.

SECT. 13. All acts or parts of acts inconsistent with this act, are hereby repealed.

Approved March 25, 1891.

Chapter 96.

An Act amendatory of and additional to chapter two hundred and twenty-five of the Public Laws of eighteen hundred and eighty, relating to the Militia.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Section thirty-three of chapter two hundred and twenty-five of the public laws of eighteen hundred and eighty is hereby amended, so as to read as follows :

Sec. 33, ch. 225, Public Laws of 1880, amended.

Staff of commander-in-chief.

'SECT. 33. The staff of the commander-in-chief shall consist of the adjutant general, who shall be, ex-officio, chief of staff, quartermaster general, and paymaster general, with the rank of brigadier general; an inspector general, with the rank of brigadier general; a commissary general, a surgeon general, and a judge advocate general, each with the rank of colonel; four aides-de-camp, with the rank of lieutenant colonel, and a military secretary, with the rank of major. All staff officers of the commander-in-chief, except the adju-