

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

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give bond;
conditions.
1855, c. 167, § 3.

two good and sufficient sureties in a sum not less than one hundred dollars, conditioned that he will not permit any gambling, or drinking of intoxicating liquors in or about his premises; or any minor to play or roll in his alley without the written consent of his parent, guardian, or master, or his alley to be opened or used from sunset on Saturday, and from nine o'clock on other evenings till ten in the morning.

Bond violated,
license to be
revoked, &c.
1855, c. 167, § 4.

SEC. 6. If any person, so licensed, violates any of the conditions of his bond, the municipal officers, on being furnished with proof thereof, shall revoke the license and enforce the payment of the bond for the use of their town; and no person, whose license is so revoked, shall afterwards be licensed in said town for such purpose.

BILLIARD ROOMS.

Penalty for
admitting
minors to play
billiards, &c.
1855, c. 141, § 1.

SEC. 7. The keeper of any billiard room or table, who admits minors thereto without the written consent of their parent or guardian, or suffers any persons to play there after six o'clock in the afternoon of Saturday, or ten in the afternoon of other days, shall forfeit ten dollars for the first, and twenty for each subsequent offence.

Penalty for
obstructing
officers from
entering bil-
liard rooms.
1855, c. 141, § 2.

SEC. 8. Any marshal, sheriff, police or other officer, may, at any time, enter into said billiard room, or rooms connected therewith, for the purpose of enforcing this or any other law; and any person, who obstructs his entrance, shall forfeit not less than five nor more than twenty dollars. The penalties, provided in this and the preceding section, may be recovered by complaint, indictment, or action of debt, to the use of the person prosecuting therefor.

CHAPTER 30.

MISCHIEVOUS DOGS, WOLVES AND BEARS, MOOSE AND DEER.

MISCHIEVOUS DOGS.

- SEC. 1. Towns may pass by-laws relating to dogs. Owners of dogs liable for double damages done by them.
2. Dogs may be killed that assault any person, or kill domestic animals.
3. Penalty for not confining or killing dangerous dogs, after complaint and notice, and how appropriated. Dog again at large may be killed.
4. Owner of dog, assaulting a person, or killing animals after notice, liable to treble damages.

WOLVES AND BEARS.

5. Bounty on wolves and bears to be paid from the town treasury.
6. Bounty not to be paid till skins exhibited and sworn certificate delivered to treasurer. Treasurer to burn nose and ears, pay bounty, take a receipt, and make a sworn certificate to treasurer of state of the facts.
7. Certificates and receipts to be sent to treasurer of state, laid before legislature, allowed and paid to towns.
8. Forms of certificates, receipts and oaths.

MOOSE AND DEER.

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- SEC. 9. Penalty for killing moose and deer within specified times, persons not inhabitants of state not to kill except on their own land. Dogs hunting moose or deer, within the times, or with persons prohibited, may be killed.
10. Appointment of county moose wardens; tenure of office; may appoint deputies, and require bonds. Duty of wardens and deputies to enforce the law, and make annual returns. Penalties for not making returns, how proved, recovered and appropriated.
11. Wardens may be chosen by towns, have concurrent jurisdiction, and make annual returns. Wardens and deputies to have same authority to require aid as sheriffs.
12. Penalties how recovered and appropriated. Wardens may be witnesses. Other persons may prosecute if wardens do not within fourteen days.
13. Indians of Penobscot and Passamaquoddy tribes not subject to these penalties for hunting on their own account.
14. Possession of carcass or hide of such animal, proof of unlawful killing, but may be explained in defence.
15. Secretary of State to communicate to legislature doings under six preceding sections.

MISCHIEVOUS DOGS.

SEC. 1. Towns may pass by-laws to regulate the going at large of dogs within them. When any dog does any damage to a person or his property, his owner or keeper, and also the parent, guardian, master, or mistress, of any minor or servant, who owns or keeps such dog, shall forfeit to the injured person double the amount of the damage done; to be recovered by action of trespass.

Towns may pass by-laws. Owners of dogs liable for double damages. R. S., c. 40, § 1. 1855, c. 149, § 4.

SEC. 2. Any person may lawfully kill a dog, that suddenly assaults him or any other person when peaceably walking or riding, or is found worrying, wounding, or killing any domestic animals out of the enclosure or immediate care of the owner.

Dogs may be killed that assault any person, or kill domestic animals.

SEC. 3. Whoever is assaulted, or finds a dog strolling out of the enclosure or immediate care of his master, may, within forty-eight hours thereafter, make oath before a justice of the peace that he really suspects such dog to be dangerous or mischievous, and notify his master by giving him a copy of said oath, signed by the justice; and if the master neglects for twenty-four hours thereafter, to confine or kill such dog, he shall forfeit five dollars to any person suing therefor; and if such dog is again at large out of the care of the master, any person may lawfully kill him.

R. S., c. 40, § 2. Penalty for not confining or killing dangerous dogs, after notice. R. S., c. 40, § 3, 4.

SEC. 4. If a dog, after notice given as aforesaid, wounds any person by a sudden assault as aforesaid, or wounds or kills any domestic animals, the owner or keeper shall be liable to pay the person injured treble damages and costs.

Owner of dog assaulting person, &c., liable to treble damages. R. S., c. 40, § 5.

WOLVES AND BEARS.

SEC. 5. A bounty of eight dollars for every wolf, and two dollars for every bear, killed in any town in this state, shall be paid by the treasurer thereof to the person killing it on his complying with the following provisions.

Bounty on wolves and bears, &c. 1853, c. 35, § 1. 1854, c. 67.

SEC. 6. No such bounty shall be paid unless the person claiming it, within ten days after he has killed such animal, or within ten days after he has returned from the hunting, in which he

Bounty when to be paid. 1853, c. 35, § 2.

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killed it, exhibits to the town treasurer the entire skin thereof, with the ears and nose on it in as perfect a state as when killed, except natural decay, and signs and makes oath to a certificate, which oath such treasurer is hereby authorized to administer, in which he shall state that he killed said animal, and the time when, and the place where he killed it, showing it to be within this state; and the said treasurer shall thereupon cut off the whole of the ears, and the whole of the nose from such skin, and entirely destroy them by burning, then he shall pay the bounty and take the receipt of the claimant therefor, upon the same paper with such certificate. The treasurer shall immediately make upon the same paper a certificate, under oath, addressed to the treasurer of state, that he first cut off the ears and nose from the skin of such animal, and destroyed them by burning, and then paid the said bounty to the claimant.

Certificates and receipts to be sent to treasurer of state, laid before legislature, allowed and paid to towns. 1853, c. 35, § 3.

SEC. 7. Said certificates and receipts shall, annually in the month of December, be transmitted to the treasurer of state, and by him laid before the legislature, as early as convenient; and when allowed by the legislature, shall be paid by the treasurer of state to such towns.

SEC. 8. The certificates and receipts shall be in the following form :

[Claimant's certificate.]

Forms.

1853, c. 35, § 4.

To the treasurer of ——. I hereby certify that on the — day of —, A. D. 18—, at —, in the State of Maine, I killed the —, the skin of which I now exhibit to you; and I claim the bounty allowed by law for killing the same.

Dated at —, this — day of —, A. D. 18—.

— — — Claimant.

Subscribed and sworn to before me, the day and year aforesaid.

— — — Treasurer of —.

[Claimant's receipt.]

On this — day of —, A. D. 18—, I received of —, treasurer of —, — dollars, being the bounty allowed by law for killing the — as described in the above certificate.

— — — Claimant.

[Treasurer's certificate.]

I hereby certify that, as required by law, I first cut off the whole of the ears and nose from the skin of — described in the foregoing certificate, and destroyed the same by burning, and then paid to the said — the bounty for which I have taken his receipt as above.

Dated at —, this — day of —, A. D. 18—.

— — — Treasurer of —.

Subscribed and sworn to before me, the day and year aforesaid.

— — — Justice of the peace.

MOOSE AND DEER.

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SEC. 9. No person shall hunt or kill on any land not his own in this state, any moose from the fifteenth day of March to the first day of October, or any deer from the fifteenth day of January to the first day of September, under a penalty of forty dollars for each moose, and twenty dollars for each deer so killed. No person not an inhabitant of this state shall, at any time, hunt or kill any moose or deer except on his own land, under the same penalties as above provided. Any person may lawfully shoot or otherwise kill any dog found hunting moose or deer within the time or with the persons herein prohibited.

Penalty for killing moose and deer within specified times, &c.
1853, c. 27, § 1.
1855, c. 137, § 1.

SEC. 10. The governor, with advice of council, shall appoint one county moose warden for each of the counties of Oxford, Franklin, Somerset, Penobscot, Piscataquis, Hancock, Washington, and Aroostook, to hold his office for the term of four years, unless sooner removed; each of whom may appoint in writing one or more deputies under him, and require of them suitable bonds for the faithful performance of their duties, and the payment to him of his fees; and said wardens and their deputies in their several counties shall faithfully enforce the provisions hereof. Each of the deputies shall, annually on or before the first day of December, render to his principal an account under oath of all the penalties by him enforced for the preceding year, and shall pay to him one-tenth part of the net proceeds thereof. Each county moose warden shall, annually in January, render to the secretary of state an account on oath of all the penalties enforced by himself, or returned to him by his deputies, for the year ending on the first day of December. The penalty for neglecting so to do, shall be for a warden, fifty dollars, and a deputy, twenty-five dollars; and the warden shall immediately give notice to the county attorney of every such neglect of his deputy; and the secretary of state shall notify such county attorney of every such neglect of the warden; and the county attorney shall prosecute for every such neglect of which he has notice; and the penalties so recovered shall be for the use of the county. In such prosecutions the certificate of the secretary of state shall be sufficient evidence of the fact of such neglect to make return to him.

Moose wardens appointed, tenure of office, powers, duties, penalties.
1853, c. 27, § 2.

SEC. 11. The municipal officers of any town may insert in the warrant for their annual meeting, an article for the choice of a town moose warden, who, in his town and anywhere within the distance of twelve miles from the exterior bounds thereof, shall have concurrent jurisdiction with, and the same powers and rights as the county moose warden and his deputies; and he shall make a like return to the secretary of state under a penalty of twenty-five dollars, to be proved, recovered, and appropriated in the same way. Each of said officers shall have the same authority to require aid in the execution of his office as sheriffs and their deputies have.

Wardens chosen by towns, to have concurrent jurisdiction, and make returns, &c.
1853, c. 27, § 3.

SEC. 12. The county wardens, their deputies, or town wardens may recover the penalties for unlawfully hunting and killing moose and deer, in an action on the case in their own names, or

Penalties how recovered and appropriated

- CHAP. 30.** by complaint or indictment in the name of the state; and such officers may be competent witnesses, and the sums recovered shall be paid, one-half to the warden or deputy warden, and the other to the county or town, as the case may be. Any person may prosecute by complaint or indictment for any of the acts herein forbidden, provided no such warden or deputy, within fourteen days after the offence is committed, prosecutes therefor.
- Wardens may be witnesses, &c.**
1853, c. 27, § 4.
- Indians not subject to penalties, &c.**
1853, c. 27, § 5.
- Possession of carcass or hide presumptive evidence of unlawful killing, &c.**
1853, c. 27, § 6.
- Secretary of state to communicate, &c.**
1853, c. 27, § 4.
- SEC. 13.** No indian of the Penobscot or Passamaquoddy tribe shall be liable to the penalties hereof, while hunting moose and deer on his own account and for his own use unaccompanied by any person herein forbidden.
- SEC. 14.** If any person has in his possession the carcass or hide of any such animal, within the times herein forbidden, he shall be deemed to have hunted and killed the same contrary to law, and be liable to the penalties aforesaid, after he has had reasonable opportunity given him by the warden to show, that said animal was lawfully killed, and has neglected to do so; but he shall not be precluded from producing such proof in defence.
- SEC. 15.** The secretary of state is to communicate to the legislature, in each month of January, what has been done in execution of the last six sections of this chapter as appears by the returns received.