

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAPTER 30.

MISCHIEVOUS DOGS, WOLVES AND BEARS, MOOSE AND DEER, AND
OTHER WILD GAME.

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.

- SEC. 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, DEER AND CARIBOU, AND OTHER WILD GAME.

- SEC. 9. Penalty for killing moose, deer and caribou within specified times, persons not to kill except on their own land. Dogs hunting moose, deer, or caribou, 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. Possession of carcass or hide of such animal, proof of unlawful killing, but may be explained in defence.
14. Secretary of State to communicate to legislature doings under six preceeding sections.
15. Destruction of minks, beavers, sables, otter, fisher or muskrat, prohibited.
16. Destruction of certain birds prohibited.
17. Possession when deemed evidence of guilt.
18. Destruction of ducks prohibited, penalty.

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
- Towns may
pass by-laws.
Owners of

CHAP. 30. 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.

dogs liable for double damages.

R. S. c. 30, § 1. Sec § 9, c. 3, § 40, item 4.

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

R. S. c. 30. § 2

Penalty for not confining or killing dangerous dogs, after notice.

R. S. c. 30. § 3.

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.

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.

Owner of dog assaulting person, &c., liable to treble damages.

R. S. c. 30, § 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.

WOLVES AND BEARS.

Bounty for destruction of wolves and bears.

1863, c. 181, § 1.

1869, c. 34, § 1.

Claimant must apply within ten days and exhibit entire skin.

1863, c. 181, § 2.

SEC. 5. A bounty of five dollars for every wolf and 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.

Certificate on oath required.

Treasurer required to destroy ears and nose.

Treasurer's certificate addressed to state treasurer.

When transmitted.

SEC. 6. No 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 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 said treasurer is hereby authorized to administer, in which he shall state that he killed such 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.

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. CHAP. 30. How allowed and paid. 1863, c. 181, § 3.

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

Claimant's certificate.

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. Form of claimant's certificate. 1863, c. 181, § 4.

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 — described in the above certificate. Form of claimant's receipt.

— — — 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. Form of treasurer's certificate.

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, DEER AND CARIBOU.

SEC. 9. No person shall hunt or kill with dogs any moose, deer or caribou on any lands in this State, under a penalty of forty dollars for every such moose, deer or caribou so killed; and no person shall, between the first day of February and the first day of October, in any manner hunt or kill any moose, deer or caribou, under the same penalties as above provided. Any person may lawfully shoot or otherwise kill any dog so found hunting moose, deer or caribou, or with the persons herein prohibited. Penalty for killing moose, deer, and caribou within specified time, &c. R. S. c. 30, § 9. Hunting such animals in certain cases, prohibited. Penalty. 1858, c. 19. 1870, c. 134, § 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 re- Moose wardens appointed, tenure of office, powers, duties, penalties. R. S. c. 30, § 10.

CHAP. 30. moved; 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.

Wardens chosen by towns, to have concurrent jurisdiction, and make returns, &c.
R. S. c. 30, § 11.

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.

Penalties how recovered and appropriated.

SEC. 12. The county wardens, their deputies, or town wardens may recover the penalties for unlawfully hunting and killing moose, deer and caribou, in an action on the case in their own names, or 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.
R. S. c. 30, § 12.
1870, c. 134, § 3.

Possession of carcass or hide presumptive evidence of unlawful killing, &c.

SEC. 13. If any person has in his possession the carcass or hide of any such animal, between the first day of February and the first day of October, he shall be deemed to have hunted and killed the same contrary to law, and be liable to the penalties aforesaid; but he

shall not be precluded from producing proof in defence. In case of his conviction such carcass or hide so found in his possession shall be decreed by the court forfeited to the use of the person prosecuting.

CHAP. 30.
1869, c. 48, § 2.
R. S. c. 30, § 14.
1870, c. 134, § 2.

SEC. 14. 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.

Secretary of state to communicate, &c.
R. S. c. 30, § 15.

MINK, BEAVER, SABLE, OTTER, FISHER, MUSKRAT AND BIRDS.

SEC. 15. No person shall in any way destroy, between the first day of June and the fifteenth day of October of each year, any mink, beaver, sable, otter, fisher or muskrat, under penalty of ten dollars for each animal so destroyed, to be recovered on complaint; one-half thereof to the use of the county where the offence is committed and one-half to the prosecutor.

Destruction of certain animals prohibited and penalty therefor.
1866, c. 55.

SEC. 16. Whoever takes, kills, destroys or pursues with intent of killing, destroying or taking with dogs, guns, traps, nets, snares, pitfalls, or any other device or contrivance whatever, any of the birds commonly known as larks, robins, partridges, grouse, swallows, quails, woodcocks, sparrows or snipes, except between the first day of September and the first day of February, shall forfeit for every such bird not less than five nor more than ten dollars, to be recovered by complaint before any municipal or police court or trial justice, one-half to the use of the complainant and the other half to the use of the town where the offence is committed.

Quails, woodcock, &c., not to be killed at certain times.
1863, c. 166, § 1.
1870, c. 165, § 1.

SEC. 17. Whoever shall have in his possession any of the birds mentioned in the preceding section, except between the first day of September and the first day of February, shall be deemed to have killed the same, and shall be liable to the same penalties prescribed in the preceding section.

Possession, when deemed evidence of guilt.
1870, c. 165, § 2.

SEC. 18. If any person shall trap, snare or capture wild ducks of any variety, other than in the usual manner of sporting with firearms, shall forfeit and pay for each duck so taken, a sum not less than two dollars nor more than five, to be recovered by action of trespass, one half to the use of the town where the offence is committed, the other half to the person complaining.

Destruction of ducks prohibited.
1870, c. 133, § 1.
Penalty.