

MAINE STATE LEGISLATURE

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CHAPTER 319

HUNTING AND TRAPPING

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SUBCHAPTER I

GENERAL PROVISIONS

Sec.	
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§ 2351. Traps visited every 24 hours; consent of owner; populated areas

Any person trapping in any organized or incorporated place shall visit each trap or cause the same to be visited at least once in every calendar day including Sunday, except beaver sets, so called, and remove therefrom or cause to be removed any animal found caught therein. No person shall trap, except for beaver, on or in any organized or incorporated place, or in any unorganized place on the cultivated or pasture area of land that is used for agricultural purposes, and on which land there is an occupied dwelling, or within 200 yards of any occupied dwelling, without first obtaining the written consent of the owner or occupant of the land on which said trap is to be set. It shall be the duty of the landowner or occupant to prove his ownership or occupancy of the land in question before any prosecution is made under this particular part of this section.

No person shall trap outside his own land, within $\frac{1}{2}$ a mile of the compact built up portion of any city or village, except by the use of water sets, so called, for mink and muskrat. A water set shall be a trap so set that it shall be completely covered by water at all times. Any person who has a written permit from the landowner may trap only with water sets, so called, within $\frac{1}{2}$ mile of the built up section of any city or village.

R.S.1954, c. 37, § 70; 1963, c. 279, § 16.

§ 2352. Migratory birds; open season on partridge, woodcock and pheasants

No person shall hunt or have in his possession any eagle.

There shall be a closed season on partridge or grouse and pheasant from November 16th to September 30th of the following year. No person shall at any time buy or sell any partridge, grouse or pheasant. No person shall have in possession any partridge or pheasants taken in closed season.

During the open season, it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 partridge and more than 2 pheasants taken, shot or killed in any one day, or to have more than 8 partridge and more than 4 pheasants in possession at any one time.

Except as provided in this section, it shall be unlawful for any person to hunt, capture, kill, take, possess, transport, buy or sell any migratory game bird at any time. It shall not be deemed to be a violation of chapters 301 to 335 to hunt, capture, kill, take, possess, transport, buy or sell any migratory game bird or part thereof at the times, in the manner and numbers, and by the means specifically permitted by regulations adopted and approved pursuant to the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918.

If, in the opinion of the commissioner, it is in the best interests of the migratory bird population in the State to have a shorter season, fewer shooting hours or a smaller bag limit than the federal regulations permit, the commissioner may, after public hearing, promulgate such regulations as he considers to be in the best interests of the migratory bird population. Notice of the hearing to be held and the time and place thereof shall be by publication once a week for 2 successive weeks prior to the hearing in newspapers having a state-wide circulation. If, as a result of the hearing, the commissioner promulgates any regulations, they shall be reduced to writing and published once a week for 2 successive weeks in newspapers having state-wide circulation.

The commissioner shall file a certified copy of the regulations with the clerks of the Superior Courts in the 16 counties of the State and with the Secretary of State.

R.S.1954, c. 37, § 85; 1955, c. 209, §§ 1, 2; c. 241; c. 290, § 19; 1957, c. 392, §§ 20, 21; 1959, c. 333, §§ 9, 10; 1963, c. 279, § 19.

§ 2353. Closed time on deer in certain counties

For the purposes of regulating open seasons on deer, the State shall be divided into the following 4 zones:

Northern Zone: North and east of a line beginning on Route 201 at the Canadian border; thence southeasterly along said Route 201 to Caratunk; thence easterly and northeasterly along the Appalachian Trail to a point where the Appalachian Trail intersects the Baxter State Park Road; thence southeasterly along Baxter State Park Road to Millinocket; thence southeasterly along Route 157 to Route 2 at Mattawamkeag; thence southeasterly along Route 2 to Lincoln; thence easterly along Route 6 to the Canadian border.

Central Zone: The area within the following described territory: Beginning on Route 201 at the Canadian border; thence southeasterly along said Route 201 to Caratunk; thence easterly and northeasterly along the Appalachian Trail to a point where the Appalachian Trail intersects the Baxter State Park Road; thence southeasterly along Baxter State Park Road to Millinocket; thence southeasterly along Route 157 to Route 2 at Mattawamkeag; thence southwesterly along Route 2 to Bangor; thence westerly along Route 2 to Farmington; thence northwesterly along Route 4 to Rangeley; thence westerly along Route 16 to the New Hampshire border.

Southeastern Zone: The area within the following described territory: Beginning at the Canadian border at Vanceboro; thence westerly along Route 6 to Lincoln; thence southerly along Route 2 to Bangor; thence southerly along easterly bank of the Penobscot River and the county line between Waldo and Hancock Counties to the ocean, including the islands along the coast.

Southwestern Zone: All the remaining areas of the State, including the islands along the coast.

There shall be an open season on deer in each calendar year in the zones described above as follows:

Northern Zone: October 15th to November 30th.

Central Zone: October 21st to November 30th.

Southeastern Zone: November 1st to December 5th.

Southwestern Zone: The month of November.

There shall be a continual closed season on deer on the Island of Mount Desert and on Cross Island and Scotch Island, which last mentioned places are in Washington County, and in the Town of Isle au Haut, and the islands within the confines of the Town of Isle au Haut, which last mentioned town is in the County of Knox, and in game sanctuaries which have been established by law where the closed season shall be perpetual.

There shall be a continual closed season on deer on all of Swan Island in the Town of Swan's Island, located in the County of Hancock, except that it shall be lawful to hunt with bow and arrow in accordance with chapter 321 during the month of October and the month of November of each calendar year.

It shall be unlawful for any person to hunt deer after he has killed one during the open season of that calendar year.

There shall be a continual closed season on deer in the Town of Islesboro, located in the County of Waldo, except that it shall be lawful to hunt with bow and arrow in accordance with chapter 321 during the month of October and the month of November of each calendar year.

There shall be a continual closed season on deer on the whole of Cranberry Isles, Hancock County.

There shall be a continual closed season on deer on the whole of Long Island in Long Island Plantation, Hancock County.

There shall be an open season on deer in the Town of Vinalhaven, and the islands within the confines of the Town of Vinalhaven, to conform with the open season on deer for Knox County. The use of any firearm other than a shotgun is prohibited.

During the closed seasons, except as otherwise provided, it shall be unlawful to hunt any deer or have in possession any part thereof; and except as otherwise provided, no person shall have in possession more than one deer or part thereof during any open season.

A person lawfully killing a deer during the open season may have the same in his possession during a closed season provided the deer has been properly registered in accordance with section 2355.

Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than \$100 and costs, which fine and costs shall not be suspended, or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 37, § 91; 1955, cc. 6-8, 112, 238; 1957, cc. 13, 69, 328; c. 392, §§ 23, 24; c. 429, § 45; 1959, c. 226, § 1; c. 300, § 2; c. 313; 1961, cc. 50, 86, 349; 1963, c. 9, §§ 1, 2; c. 73, § 1; c. 285, § 1.

§ 2354. Crop and orchard damage

1. Deer killed if doing damage. The cultivator, owner, mortgagee or keeper of any orchard or growing crop, including legumes, except grass, or the owner or occupier of land whereon said crops or orchard are located, may take or kill deer or other protected wild animals, except beaver or birds, night or day, on said land where substantial damage is being done by said deer or other protected wild animals to said orchard or crop. Such person may authorize a member of his immediate family or someone employed by him to take or kill said deer or other protected wild animal. Such person, whenever he employs someone not domiciled on said land where the damage is being done to take or kill said deer or other protected wild animal, shall apply to the game warden in charge of the district in which the crops or orchard is located for permission to employ such person or persons and shall receive permission from said game warden in writing.

A person by whom, or under whose direction, such deer or other protected wild animal is wounded or killed shall within 12 hours report all the facts relative to such act to a fish and game warden, stating the time and place of such wounding or killing. Such person who kills such deer or other protected wild animal shall immediately properly dress the carcass or carcasses and care for the meat. The fish and game warden shall immediately investigate the case and if he is satisfied that the deer or other protected wild animal was taken as provided in this subsection, he shall give such person a certificate of his finding in the matter. Such certificate shall entitle such person to the ownership of the carcass or carcasses, to be possessed and consumed only within the immediate family of the person to whom certificate was given.

1957, c. 392, § 25.

2. Salt or other bait. It shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto.

1957, c. 392, § 26.

3. Dead deer not tagged. Any dead deer found not having a tag attached thereto identifying the owner thereof shall be the

property of the State and shall be seized by the first warden who finds said carcass, to be disposed of by direction of the commissioner.

1957, c. 392, § 26.

4. Repellants. Whenever deer are doing damage to orchards and crops, including legumes, except grass, the department shall furnish to the owner or agent of such orchards and crops suitable repellants without cost to such owner or agent. The commissioner may follow such other good conservation practice as will alleviate such damage. No claims for crop or orchard damage by deer or other protected animals or birds shall be paid by the State from any source or fund.

1957, c. 392, § 26.

5. Fencing orchard. Whenever the commissioner deems it impossible to keep deer from doing damage to young orchards, he may enter into an agreement with the owner of such orchard whereby the department will assume $\frac{1}{2}$ the cost of fencing such orchard. (1957, c. 392, § 26.)

R.S.1954, c. 37, § 94; 1957, c. 392, §§ 25, 26.

§ 2355. Registration and transportation of deer

1. Registration stations. The commissioner shall establish deer registration stations for the purpose of registering all deer killed. Said stations shall be in charge of an agent designated by the commissioner and a list of the same shall be published in one or more daily newspapers of the State. Said agents shall register each and every deer legally presented for registration, and shall tag each deer in the manner as directed and with the materials furnished by the commissioner. Said agent shall receive from the person registering a deer the sum of 25¢ for each such tag to be retained by him.

1963, c. 414, § 12-B.

2. Registration and tags.

A. No person shall at any time in any manner move or transport any deer, or part thereof, unless open to view and there is securely attached thereto a tag bearing the name and address of the person who killed said deer and said deer shall be accompanied by him while being moved or transported, except as otherwise provided in chapters 301 to 335.

B. All deer killed shall be presented for registration at the first open deer registration station on the route taken by the

person who killed said deer and said deer shall be registered in his name.

C. No person shall present a deer for registration or allow to be registered in his name any deer which he himself did not kill.

3. Deer at home or left in woods.

A. No person shall keep a deer at his home, or at any place of storage, except a deer registration station, more than 12 hours unless said deer has been legally registered.

B. If any person leaves the woods without taking a deer which he has killed with him, he shall notify a warden within 12 hours as to the location of the deer and the circumstances necessitating his leaving the same in the woods.

4. Possession without registration. No person shall have in possession at any time any parts of a deer which has not been legally registered as provided in this section, except in accordance with sections 2354 and 2951.

5. Giving deer away; labels. It shall be lawful for the owner of any legally registered deer to give away not to exceed $\frac{1}{2}$ of said deer. Notwithstanding subsection 2, paragraph A, no person shall have in his possession any part or parts of a deer given to him unless each separate part is plainly labeled with the name and address of the person who registered the deer and the name and address of the person to whom it was given and if said part be transported by any 3rd party that the name and address of the party transporting the same be affixed thereto. This subsection shall not apply to any deer or parts of deer being transported by a Maine licensed transportation company, including common carriers, in accordance with other provisions of chapters 301 to 335.

6. Transportation within State. Any resident of this State, who has legally killed and registered a deer may have said deer transported within the State, without accompanying the same, by purchasing a deer transportation tag which shall be attached to said deer while being transported. This deer transportation tag shall cost \$2.25, 25¢ to be retained by the issuing agent.

7. Transportation beyond State. Any resident of this State, who has legally killed and registered a deer may transport said deer or have the same transported beyond the boundaries of this State by purchasing a deer transportation tag which shall be attached to said deer while being transported. This deer trans-

portation tag shall cost \$20.25, 25¢ to be retained by the issuing agent, except that no fee shall be required of any resident of this State who is serving in the Armed Forces of the United States.

8. Nonresident. Any nonresident who has legally killed and registered a deer may have said deer transported beyond the boundaries of this State under the following condition:

A. Said deer or parts thereof may be transported by a Maine licensed transportation company, including common carriers;

B. Said deer or parts thereof may be transported by other than a Maine licensed transportation company, including common carriers, when accompanied by a nonresident transportation permit which may be obtained by the licensee from an inland fish and game warden in whose district the deer was killed, or from any inland fish and game warden supervisor.

9. Printing on nonresident license. There shall be printed upon the back of the deer coupon portion of a nonresident license, which shall be attached to each deer so transported, the following words: THIS DEER WAS SHOT IN THE STATE OF MAINE. The first 8 words shall be printed in 18-point caps and the word "MAINE" in 96-point Gothic type.

10. Application. Except as provided in this section, no person shall transport or attempt to transport any deer or parts thereof beyond the limits of this State.

1963, c. 177, § 1; c. 414, § 12-B.

§ 2356. Closed time on wild hares and rabbits; transportation

There shall be a closed season on wild hares or rabbits from the first day of March to the 30th day of the following September, except in the Counties of Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Somerset and Washington, where there shall be a closed season from the first day of April to the 30th day of the following September.

During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 rabbits taken, shot or killed in any one day and not more than 8 rabbits so shot or killed in possession at any one time.

No person shall set or use any snares or traps or use any other device in the hunting of wild hares or rabbits or hunt the

same in any except the ordinary method of shooting with guns or long bow and arrow. It shall be lawful at any time for the commissioner to take and transport live hares or rabbits by purchasing live hares or rabbits from local trappers who may take the hares or rabbits by box traps for this purpose throughout the several counties of the State, whenever he may deem it necessary for the proper distribution and conservation of said animals.

It shall be unlawful for any person or corporation to transport or offer for transportation at any time any wild hares or rabbits destined beyond the limits of the State.

This section shall not be construed to prohibit the holder of a nonresident hunting license from transporting to his home dead wild hares or rabbits which he has legally killed by virtue of his said nonresident hunting license.

It shall be unlawful for any person to have in possession or transport at any time any wild hares or rabbits taken during the closed season or by any method or with any device prohibited by this section.

It shall be unlawful for any person to buy, sell or offer for sale any wild hares or wild rabbits.

This section shall not apply to the propagation of wild hares or rabbits on islands surrounded by open salt water all year.

R.S.1954, c. 37, § 106; 1955, cc. 102, 124; 1957, c. 145; 1959, c. 132; 1961, c. 130.

§ 2357. Closed time on gray squirrels; bag limit

There shall be a closed season on gray squirrels from the 16th day of November to the 30th day of the following September.

During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 squirrels taken, shot or killed in any one day and not more than 8 squirrels shot or killed, in possession at any one time.

There shall be a perpetual closed season on gray squirrels within the limits of lands dedicated as public or private parks and within the limits of compact or built up portions of any city or town.

R.S.1954, c. 37, § 107; 1955, c. 74.

§ 2358. Trapping season

Except as provided in chapters 301. to 335, there shall be a perpetual closed season on hunting or trapping any wild animal.

Fur-bearing animals taken during any open season shall not be kept alive into or during closed season periods except in accordance with section 2106. The commissioner may issue a permit to any individual to keep in captivity a skunk or raccoon and may revoke any permit so issued at any time. All permits so issued shall be valid only for the calendar year in which they were issued.

1. Muskrat, mink, otter, fisher and others. The commissioner may declare an open season on muskrats that are polluting water supplies or damaging property if the owner makes a written complaint thereof to the commissioner.

No muskrats shall be hunted or trapped in Lake Alamoosook and Dead River and its tributaries in the Town of Orland situated in Hancock County.

The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Washington County shall be from April 1st to April 30th of each year and in York County shall be only from March 20th to April 20th in each year; and except that the open season on muskrat in Aroostook County shall be during the month of April only in each year; and except that the open season on muskrat within the watershed of Saco River in Oxford County, and on all lakes, ponds, marshes and streams tributary thereto, and within said county, shall be only from the first day of November to the 25th day of April in the following year.

The open season on otter shall be the months of November, January and February of each calendar year.

There shall be an open season on fisher during the months of November, December, January and February of each year. The commissioner may lengthen, shorten or close such fisher season as he may deem necessary.

It shall be unlawful for any person to have in possession at any time any fisher, or part thereof, except as expressly permitted by this section. It shall also be unlawful for any person to sell, give away, buy, accept as a gift, offer for transportation or transport any fisher skin or fisher skins, unless each skin is tagged and marked as directed by the commissioner.

Any fisher skin or fisher skins that come into this State in any manner from any other state or country must have the official stamp, tag or seal of the state or country from which said skin or skins were taken. All fisher skins shall be presented for tagging or marking within 10 days from the closing of the so-called open season.

All fisher skins must be presented to the warden supervisor in whose division they were caught and if said supervisor is reasonably satisfied that the fisher presented were legally killed in his division, he shall tag and mark the same in the manner as directed and with the materials furnished by the commissioner. A fee of 50¢ must be paid by the trapper for each skin tagged and marked.

There shall be no open season on sable (marten).

The open season on all other wild or fur-bearing animals, excepting bobcats, loupcevier, Canada lynx and beaver, shall be from November 1st of each calendar year to February 15th in the next following year.

Animals may be trapped with common ordinary steel traps and only size No. 1 killer-type traps. Killer-type traps larger than No. 1 may be used only under water. Killer-type traps shall include the so-called Conibear trap and all other traps of that type.

1955, c. 229; 1957, c. 95; c. 392, §§ 29, 30; 1961, c. 88; c. 218, § 1; c. 417, § 118; 1963, c. 279, §§ 26-28.

2. Trap near muskrat den. It shall be unlawful for any person to set or place a trap within 25 feet of a muskrat den or house at any time, or to molest or destroy the muskrat house or den. No person shall make any advance preparation on the trapping grounds for the taking of beaver or muskrat previous to the open season on these animals.

3. Bear, hedgehog or bobcat. It shall be lawful to trap bear, hedgehogs or bobcats at any time anywhere in the State, and it shall be lawful to hunt bear, hedgehogs or bobcats at any time anywhere in the State except during Sundays and in the nighttime, except as otherwise provided. Any person who kills a black bear shall report the same within 7 days thereafter to the commissioner on forms provided by said commissioner.

1963, c. 279, § 29.

4. Raccoon and skunk. Raccoons and skunks may be hunted during the period from August 15th to December 15th of each year. Hunting of raccoons and skunks from ½ hour after sunset to ½ hour before sunrise during said period may be done under the following conditions:

A. The hunter must be accompanied by a dog when hunting raccoons;

B. An electric flashlight of not more than 3 cells may be used while locating or taking the animal found by a dog; and

C. No firearm may be in the possession of the hunter except a pistol using no greater power than .22 caliber long rifle ammunition may be used.

1955, c. 249; 1963, c. 279, § 30.

5. Wild bird or animal destroying property. Any person may lawfully kill any wild animal, excepting beaver, or any wild bird found in the act of destroying that person's property.

6. Closed season. All of the rest of the calendar year which is not specifically opened to trapping shall be deemed to be a closed season.

7. Raccoons on North Haven and Vinalhaven. It shall be lawful to hunt and kill raccoons on the Islands of North Haven and Vinalhaven, in the County of Knox, at any time except on Sunday and at night. Night shall be the period from $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise of the following morning; except that it shall be lawful to hunt raccoons during the open season as provided in subsection 4.

8. Spring trapping by Penobscot Indians. In addition to any open trapping season provided by this section, there shall be an open season on muskrats from March 1st to May 1st on all lands and islands belonging to the Penobscot Tribe of Indians. It shall be unlawful for any person not a member of said Penobscot Tribe to trap muskrats during such open season. (1961, c. 218, § 2.)

R.S.1954, c. 37, § 113; 1955, cc. 75, 229, 249; 1957, c. 95; c. 392, §§ 29, 30; 1961, c. 88; c. 218, §§ 1, 2; c. 417, § 118; 1963, c. 279, §§ 26-30.

§ 2359. Raccoons

The commissioner is empowered to suspend the game laws in respect to raccoons in such restricted localities and for such periods of time as he finds it advisable to relieve excessive damage being done by them to sweet corn or other crops. The commissioner is empowered to suspend Title 7, section 3602, for the purpose only of allowing dogs to be used in hunting and killing raccoons, providing the dogs are under the personal supervision of the owner or trainer at all times, for such periods of time as the commissioner finds it advisable.

R.S.1954, c. 37, § 114.

§ 2360. Special open season on beaver; taking or transportation

There shall be an open season for the trapping of beaver during the months of January and February of each year. The commissioner may lengthen, shorten or close such beaver season as he may deem necessary.

Before the closing of an area to beaver trapping shall take effect, the commissioner shall cause notice of such proposed closed area to be published at least once in the county in which the area is located and said commissioner shall also file a copy of said notice of closed areas with the Secretary of State and with the clerk of the Superior Court in the county where the area is located. The notices of closing shall be advertised before November 15th of the calendar year immediately preceding that calendar year in which they are to be in force.

It shall be unlawful to hunt beaver with firearms or bow and arrow.

No person shall take beaver anywhere in the State at any time except during such open season, except that the commissioner may cause department personnel to take nuisance beaver at any time without the consent of the landowner.

It shall be unlawful for any person to have in possession at any time any beaver, or part thereof, except as expressly permitted by this section and section 2106. It shall be unlawful for any person, firm or corporation to sell, give away, buy, accept as a gift, offer for transportation or transport any beaver skin or beaver skins unless each skin is tagged and marked as directed by the commissioner.

All beaver skins must be presented to the warden supervisor in whose division they were caught, or a warden of that division authorized by the chief warden to tag and mark beaver, and if said supervisor or warden is satisfied that the beaver presented were legally trapped in his division, he shall tag and mark the same in the manner as directed and with the materials furnished by the commissioner. There shall be not less than 3 wardens, in addition to the supervisor, designated in any warden division for the purpose of stamping beaver skins. A fee of \$1 shall be paid by the trapper for each skin tagged and marked.

In case said beaver skins are libeled under chapters 301 to 335, and the libel is, for any reason, quashed or ruling thereon is against the State, or in case any complaint or indictment involving said skins results in a verdict for the defendant, said skins

shall on request and payment of the \$1 fee be immediately tagged, marked and delivered to the person entitled to possession of the same.

All beaver skins shall be presented for tagging and marking within 10 days from the closing of the so-called open season. All beaver which are not tagged and marked in accordance with this section shall be seized and confiscated by the wardens.

Any beaver skin or beaver skins that come into this State in any manner from any other state or country shall have official stamp, tag or seal of the state or country from which said skin or skins were taken.

No person, except as otherwise provided, shall molest or destroy any beaver dam or set or tend any trap within 10 feet of the same. No person shall molest or destroy any beaver house or set any trap within 25 feet of the same.

R.S.1954, c. 37, § 119; 1953, c. 431, § 1; 1955, c. 150; c. 405, § 48; 1957, c. 392, §§ 31, 32; 1959, c. 333, § 16; 1961, c. 65; 1963, c. 279, § 31.

§ 2361. Digging out foxes

It shall be lawful to dig out foxes at any time and to hunt foxes at any time, except Sunday and in the nighttime. It shall be lawful to trap foxes or to cause to have foxes trapped at any time on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.

R.S.1954, c. 37, § 120; 1959, c. 73.

SUBCHAPTER II

LICENSES

Sec.

2401. Hunting; residents and nonresidents; fees.

2402. Trapping; fees.

§ 2401. Hunting; residents and nonresidents; fees

No person shall hunt or have in possession wild birds, or parts thereof, or wild animals, or parts thereof, except in accordance with the following provisions:

1. Resident to hunt without license in certain cases. Any resident over 16 years of age and members of his immediate fam-

ily over 16 years of age may hunt without a license on land to which they are legally entitled to possession, and on which they are actually domiciled and which land is used exclusively for agricultural purposes.

1957, c. 392, § 14.

2. Resident license. Any resident over 16 years of age may hunt wild birds and animals provided he has first procured from the commissioner or his authorized agent a written license which shall be kept on the person while hunting or transporting birds, or parts thereof, and animals, or parts thereof, and which shall be exhibited to any warden, employee of the department or guide, upon request.

1957, c. 392, § 15.

3. Resident license fee; agents. For the purpose of issuing licenses, the commissioner may appoint clerks of towns or such other agents as he deems necessary and shall determine the period during which they shall act.

The license may be issued to a resident by the clerk or agent in the town in which the applicant resides, or if domiciled in an unorganized territory, then by the clerk or agent in the nearest town, upon payment of a fee of \$2.75, of which 25¢ shall be retained by the town clerk or agent. The commissioner may appoint agents in unorganized towns for the purpose of issuing resident hunting licenses to the residents domiciled in that unorganized town.

A combination of hunting and fishing license may be issued on payment of \$5.25, 25¢ to be retained by the town clerk or agent.

Each agent shall forward to the commissioner on the first day of each calendar month all of the funds collected by him during the previous calendar month, together with a list of the persons and the kind of licenses issued to them. The funds received by the commissioner shall be deposited in the State Treasury. Each agent shall be entitled to retain the sum of 25¢ for each license issued.

1955, c. 153, § 4; c. 290, § 15-A; 1957, c. 392, § 16.

4. Nonresident license. Any nonresident over 12 years of age may hunt wild birds and animals provided he has first procured from the commissioner or his authorized agent a written license which shall be kept on the person while hunting or transporting birds, or parts thereof, and animals, or parts thereof, and

which shall be exhibited to any warden, employee of the department or guide, upon request.

Nonresident hunting licenses shall be of 2 classes: One class shall be issued upon the payment of \$10.25, which will license the holder to hunt wild birds or animals during the open season therefor, except deer; the other class shall be issued upon the payment of \$25.25, which will entitle the holder to hunt wild birds and animals including deer during the open season therefor. The agent issuing the license shall be allowed to retain 25¢ from the license fee.

1955, c. 153, § 5; 1957, c. 392, § 17; 1961, c. 23.

5. Expiration date. Each license shall expire at midnight December 31st of the calendar year for which it is issued. Licenses may be issued prior to the date upon which such license may be in force. Application blanks and licenses shall be furnished by the commissioner in such form as he shall designate.

6. Junior nonresident license. Any nonresident between the ages of 12 and 15 years may buy a junior nonresident hunting license entitling him to hunt wild birds and animals during the open season therefor, except deer, upon payment of \$5.25. Any nonresident over the age of 12 years may purchase the \$25.25 license to hunt wild birds and animals, including deer. Between the ages of 12 and 16, the application shall be accompanied by the written consent of his or her parent or guardian. Such nonresident must be accompanied at all times while hunting by parent or guardian or an adult approved by parent or guardian.

Any resident between the ages of 10 and 16 years may hunt with firearms without a license, if accompanied at all times while hunting by a parent or guardian or by an adult approved by parent or guardian.

No resident under the age of 10 years and no nonresident under the age of 12 years may hunt wild birds or animals with firearms at any time.

1955, c. 290, § 16.

7. Willful issuing of resident license to nonresident. It shall be unlawful for a town clerk to willfully issue any resident license to a person not a resident of the municipality in which the license is issued.

1963, c. 279, § 18.

8. Failure to produce license. Failure to produce such license within a reasonable time when requested by any authorized person shall be prima facie evidence of a violation of this section.

9. Use of license fees. All funds derived from the sale of licenses under chapters 301 to 335 shall be used for the management, propagation and protection of all birds, animals, fish life, conservation education and other expenses incident to the administration of these functions.

If any of such funds are not expended during the year in which they were collected the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes specified, until expended. (1955, c. 290, § 17.)

R.S.1954, c. 37, § 73; 1955, c. 153, §§ 4, 5; c. 290, §§ 15-A, 16, 17; 1957, c. 392, §§ 13-17; 1961, c. 23; 1963, c. 279, §§ 17, 18.

§ 2402. Trapping; fees

Any resident who traps for any wild animal shall annually procure a license therefor from the commissioner, paying therefor \$10. The annual fee for such trapping within the limits of municipalities of the State shall be \$5. Whoever traps for any beaver on any land in the State open to beaver trapping by said commissioner shall pay therefor a fee of \$10 annually, and an additional fee of \$1 for the tagging and marking of each skin as required by law, skins to be so tagged and marked by a warden supervisor as provided in section 2360. The fee for a nonresident for a trapping license shall be \$200. Any resident under 16 years of age may trap for any wild animal, except beaver, in the municipalities without a trapping license; in unorganized townships a license is required. Any resident or his immediate family may hunt or trap for wild animals, except beaver, in accordance with the laws of the State without such trapping license on land to which he is legally entitled to possess and which is used by him and his family exclusively for agricultural purposes, and on which he is actually domiciled, within the limits of an organized township. Whoever traps for any wild animal in violation of any provision of this section, or whoever has in his possession at any time any wild animal, or part thereof, taken in violation of any provisions of this section, shall be subject to the penalties provided for in section 3060. Any person who has been found guilty of breaking and entering, or of larceny, shall not be eligible thereafter to obtain a trapper's license. Any person aiding, assisting or helping another in trapping or attending to traps shall be considered as a trapper and must procure a license therefor.

R.S.1954, c. 37, § 69; 1955, c. 101; c. 405, § 31; 1957, c. 392, § 11; 1961, c. 24.

SUBCHAPTER III

PROHIBITED ACTS

Sec.

- 2451. Snares; swivel guns; poisons; labels; bear traps enclosed.
- 2452. Use of poisons.
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§ 2451. Snares; swivel guns; poisons; labels; bear traps enclosed

No person shall set a snare, or a swivel, pivot or set gun, or use or deposit any poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild birds, except that gas cartridges may be used by any landowner or member of his immediate family on his own land for woodchuck control. Any snare, or swivel, pivot or set gun, or poisonous substance, and any wild animal or wild bird taken by use of the same, shall be forfeited to the State. The commissioner or his duly appointed agents in an emergency may use such devices or methods as necessary for control of wild dogs or other wild animals when approved by the advisory council.

No person shall advertise or give notice of the sale, or keeping for sale, of any snare, or swivel, pivot or set gun, or poisonous substance for the taking of wild animals or wild birds except rodenticide for orchard mouse control and gas cartridges for woodchuck control.

No person shall set any trap for any wild animal without having the trap plainly labeled with his full name and address,

and he shall forfeit to the State the trap or traps not so marked and any wild animal found therein. No person shall set a bear trap unless the same is enclosed by at least 2 strands of wire, one 2 and one 4 feet from the ground, said wire to be securely held in position and to be not less than 5 yards or more than 10 yards at any point from the enclosed trap. Said enclosure shall be marked by substantial signs with the words "BEAR TRAP" and with letters not less than 3 inches in height, said signs to be spaced around each enclosure at intervals of not more than 20 feet and each sign securely fastened to the top strand of wire.

It shall be unlawful for any person, other than a law enforcement officer in the line of duty, to disturb or take any fur-bearing animal from any trap other than his own without the consent of the owner of such trap.

R.S.1954, c. 37, § 71; 1955, c. 145; c. 290, § 14; 1957, c. 392, § 12; 1959, c. 21, §§ 1, 2.

§ 2452. Use of poisons

It shall be unlawful to use poison to kill foxes, dogs or other animals, except insects or vermin within a building. Any person who leaves or deposits in any place any poison or poisonous substance or kills by poisoning any fox, dog or other animal, except insects or vermin within a building, shall be subject to the penalties of section 3060. The commissioner may grant permits to agents of the Federal Fish and Wildlife Service and to fruit growers to use poison in the destruction of rodents.

The commissioner or his duly appointed agents may in an emergency use such devices or methods as are necessary for control of wild dogs or other wild animals when approved by the advisory council.

R.S.1954, c. 37, § 72; 1955, c. 290, § 15.

§ 2453. Use of liquors or drugs

No person shall hunt while under the influence of intoxicating liquor or drugs. The possession of any firearms in the fields or forests or on the waters or ice in the State by any person while under the influence of intoxicating liquor or drugs shall be prima facie evidence that the possessor was hunting in violation of law. Whoever violates any provision of this section shall, upon conviction, be punished by a fine of not less than \$10 nor more than \$300, or by imprisonment for not less than 30 days nor more than 6 months.

R.S.1954, c. 37, § 75.

§ 2454. Hunting on Sunday

It shall be unlawful to hunt on Sunday, and possession of firearms in the fields and forests or on the waters or ice of this State on Sunday shall be prima facie evidence of such hunting unless such firearm is carried, securely wrapped in a complete cover, fastened in a case or carried in at least 2 separate pieces in such a manner that it cannot be fired unless the separate pieces are joined together again. For the purpose of this section a clip, magazine or cylinder of a firearm shall not be considered a piece of such firearm.

R.S.1954, c. 37, § 76.

§ 2455. Night hunting

It shall be unlawful to hunt wild birds, including migratory game birds, in this State from sunset to $\frac{1}{2}$ hour before sunrise of the following morning.

It shall be unlawful to hunt wild animals from $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise of the following morning, except skunks and raccoons, as provided in section 2358. For the purpose of this section, the time shall be that which is recognized as legal in the State of Maine.

No person shall have in his possession at any time any wild bird or wild animal, or part thereof, taken in violation of this section, except as provided in section 2358. Any person convicted of a violation under this section shall be punished for the first offense by a fine of not less than \$200 and costs nor more than \$400 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 30 days in jail, at the discretion of the court; and for a 2nd or subsequent offense, by a fine of not less than \$400 and costs nor more than \$800 and costs, and 30 days in jail, which fine, costs and jail sentence shall not be suspended, and an additional penalty of not more than 60 days in jail, at the discretion of the court.

R.S.1954, c. 37, § 77; 1961, c. 167.

§ 2456. Hunting from automobiles

It shall be unlawful for any person to hunt any wild bird or wild animal at any time from any motor vehicle or trailer, or by aid or use of any light or lights carried thereon, therein or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part

thereof, taken in violation of this section. It shall be unlawful for any person, excepting a law enforcement officer while in the line of duty, to have in or on a motor vehicle or trailer any rifle or shotgun with a cartridge or shell in the chamber, magazine, clip or cylinder. No person, except a law enforcement officer in the line of duty or a person having a valid permit to carry a concealed weapon, may have in or on any motor vehicle or trailer any loaded pistol or revolver. For the purpose of this section a motor boat shall not be considered a motor vehicle.

Notwithstanding this section, paraplegics may hunt from motor vehicles which remain stationary.

R.S.1954, c. 37, § 78; 1959, c. 333, § 8; 1961, c. 2.

§ 2457. Hunting from railways

It shall be unlawful for any person to hunt any wild bird or wild animal at any time from a hand car, flat car or any other car or vehicle capable of moving along rails under its own power, or capable of being drawn along rails by an engine; or by aid or use of any light or lights carried thereon or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section. No person shall have a loaded rifle or loaded shotgun, or a gun with a cartridge in the magazine thereof, in or on a hand car, flat car or any other car or vehicle capable of moving along rails under its own power or capable of being drawn along rails by an engine.

R.S.1954, c. 37, § 79.

§ 2458. Silencers; automatics; capacity

No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 3060. Any sheriff, deputy sheriff, constable or warden may seize any firearm and any device or silencer found in possession of any person in violation of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold and the proceeds paid to the Treasurer of State, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the National Guard in the performance of its duty.

No person shall use for hunting, or have in his possession at any time in the fields and forests or on the waters of the State, any automatic firearm, or any firearm that has been converted to an automatic type, or any firearm which has built-in mechanical adjustments which will permit it to function as an automatic arm.

No person shall use for hunting or have in his possession at any time in the fields and forests or on the waters of the State any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges shall have the magazine permanently altered so as to contain not more than 5 cartridges before it may be used in this State. It shall be unlawful for any person to use cartridges containing tracer bullets or cartridges containing explosive bullets.

An automatic firearm shall be defined as one that will continue to fire as long as the trigger is held back.

An auto-loading firearm shall be defined as one that reloads itself after each shot, and requires that the trigger be pulled for each shot.

No part of the 2nd or 3rd paragraph of this section shall apply to firearms used by any law enforcement agency in this State. The 3rd paragraph shall not apply to firearms using the .22 cal. rim fire cartridge or to any auto-loading pistol having a barrel less than 8 inches in length.

R.S.1954, c. 37, § 81.

§ 2459. Nets, traps, crossbow, snares and guns larger than 10-gauge

No person shall hunt with a net, trap, snare or contrivance other than the usual method of shooting with a firearm not larger than number 10-gauge or by shooting with a long bow and arrow, any wild bird or animal of any species protected by law. It shall be unlawful for any person to hunt or kill any wild bird or animal with a crossbow. Any prohibited implements or devices used in violation of this section shall be forfeited to the State. The user of such prohibited implement or device shall be subject to the penalties of section 3060.

R.S.1954, c. 37, § 86; 1961, c. 53, §§ 1, 2.

§ 2460. Pole traps

It shall be unlawful for any person to set or use any steel trap on the top of a pole, constituting a device commonly known as a

“pole trap” for the purpose of catching any wild bird, without a written permit from the commissioner. Such permit shall be issued only when found by the commissioner to be necessary for the protection of poultry, game birds or game fish, where raised by a private individual or by the State. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$300 and costs or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 37, § 87.

§ 2461. Decoys and blinds in Merrymeeting Bay; speed of powerboats

This section shall apply to the waters of Kennebec River, known as Merrymeeting Bay, bounded as follows: From the high tension wires at Chop’s Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadassett and Eastern Rivers, and the Richmond-Dresden Bridge on the Kennebec River, being in the Counties of Cumberland, Sagadahoc and Lincoln.

No artificial cover which is termed stationary blind, or parts thereof, used for hunting purposes shall be left or allowed to remain in the waters of Merrymeeting Bay between one hour after legal shooting time and one hour before legal shooting time.

No duck decoys shall be allowed to remain in waters of Merrymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time.

No power boat may be operated in Merrymeeting Bay at a speed in excess of 10 miles per hour except within the confines of the buoyed channels.

R.S.1954, c. 37, § 89; 1957, c. 392, § 22; 1959, c. 233, §§ 1, 2, 3; 1961, c. 123; 1963, c. 279, § 21.

§ 2462. Horning or driving deer

It shall be unlawful to drive deer by use of horns, whistles or other noisemaking devices. It shall be unlawful for more than 6 persons to participate in a joint hunt for deer, wherein an effort is made to drive deer.

R.S.1954, c. 37, § 92; 1961, c. 225.

§ 2463. Use of airplane

No person shall use an airplane in driving or molesting any wild birds or animals.

Any person convicted of violating any provision of this section shall be punished by a fine of not less than \$50 nor more than \$300.

R.S.1954, c. 37, § 93.

§ 2464. Use of dogs, lights, snares and traps

It shall be unlawful to use a dog for the hunting of deer, caribou or moose. It shall be unlawful to use an artificial light, snare, trap, swivel, pivot or set gun for the hunting and killing of any deer, caribou or moose.

Nothing in this section shall be construed as affecting or restricting the legitimate possession and sale of flashlights.

R.S.1954, c. 37, § 97.

§ 2465. Use of artificial lights for lighting game

The use of artificial lights between $\frac{1}{2}$ hour after sunset and $\frac{1}{2}$ hour before sunrise to illuminate, jack, locate, attempt to locate or show up wild birds or animals shall be unlawful from October 12th to December 5th, except as provided in section 2354, and section 2358, subsection 4.

1961, c. 194; 1963, c. 279, § 23.

§ 2466. Wild birds protected; definition of game birds and migratory birds

No person shall hunt, kill or have in his possession, living or dead, any wild bird except as provided in section 2352. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale; nor shall any person take or needlessly destroy the nest or eggs of any wild bird nor have such nest or eggs in possession.

The English or European house sparrow, the common crow, the great-horned owl, kingfishers, and cormorants or shag, and the European starling are not included among the birds therein protected; nothing herein contained shall be deemed to make it unlawful for the owner or occupant of land to kill hawks or owls when in the act of destroying poultry; and for the purpose of chapters 301 to 335 the partridge, grouse and pheasant, only, shall be considered game birds, and the following, only, shall be considered migratory game birds: Anatidae or waterfowl, including brant, wild ducks, geese and swans; gruidae or cranes, including little brown, sandhill and whooping cranes; rallidae or rails,

including coots, gallinules, and sora and other rails; limicolae or shorebirds, including avocets, curlew, dowitchers, dogwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; columbidae or pigeons, including doves and wild pigeons.

Nothing in this section shall be construed to affect in any way the protection of game birds or migratory game birds as provided in section 2352.

R.S.1954, c. 37, § 88; 1955, c. 290, § 20; c. 342; 1959, c. 333, § 12; 1963, c. 279, § 20.

§ 2467. Moose and caribou

No person shall hunt, kill or have in his possession any caribou or moose, or parts thereof. No person who has legally killed a caribou or moose beyond the limits of this State shall have in his possession or import such caribou or moose, or parts thereof, into this State, unless he has obtained a permit from the commissioner to import such caribou or moose, or parts thereof, for the purpose of consumption or for mounting, but not for sale. Such permit authorizing the importation of caribou or moose, or parts thereof, shall set forth the inclusive dates when such possession shall be legal.

Possession of caribou or moose, or parts thereof, without a permit, or after such permit has expired, shall be prima facie evidence of a violation of this section.

R.S.1954, c. 37, § 90.