

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 60.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

AN ACT to amend chapter thirty of the revised statutes, relating to game.

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

SECTION 1. No person shall kill or have in his possession, except alive, or expose for sale, any wood-duck, woodcock, or English snipe, commonly so called, between the first day of January and the fourth day of July following, or kill any quail, grouse or partridge between the first day of January and the first day of September following, or have the same in possession or expose the same for sale, except alive, between the first day of February and the first day of September following, under a penalty of not less than five nor more than ten dollars for each bird so killed or had in possession or exposed for sale.

SECT. 2. No person shall at any time or in any place
2 within this state, with any trap, net, snare, device or
3 contrivance, other than the usual method of sporting
4 with firearms, take any wild duck of any variety,
5 quail, partridge, grouse or woodcock, under a penalty
6 of five dollars for each bird so taken.

SECT. 3. No person shall kill or have in his posses-
2 sion, except alive, any of the birds commonly known
3 as larks, robins, swallows, sparrows or orioles, between
4 the first day of January and the first day of Septem-
5 ber following, under a penalty of five dollars for each
6 bird so killed or had in possession. This section shall
7 not apply to any person who shall kill on his own
8 premises any robin during the period when summer
9 fruits are ripening.

SECT. 4. No person shall at any time maliciously
2 take or destroy the nest, eggs, or unfledged young of
3 any wild bird of any kind, excepting crows, hawks
4 and owls, or take any eggs or young from such nest,
5 except for the purpose of preserving the same as a
6 specimen, or of rearing said young alive, under a
7 penalty of not less than one nor more than ten dollars
8 for each nest, egg or young so taken or destroyed.

SECT. 5. All penalties imposed under the provisions
2 of this act, may be recovered, with costs of suit, by
3 any person or persons in his or their own name, before

4 any municipal or police court, or trial justice, in the
5 county where the offence is committed, or the defend-
6 ant resides ; or such penalties may be recovered by an
7 action in the superior court of the county of Cumbe-
8 land, or in the supreme court of this state, which
9 actions shall be governed by the same rules as other
10 actions in said courts, except that upon a recovery by
11 the plaintiff or plaintiffs in such suit in said courts,
12 full costs shall be allowed to such plaintiff or plaintiffs,
13 without regard to the amount of such recovery ; and
14 any judge of the supreme court, superior court of
15 Cumberland county, or of any police or municipal
16 court, and any trial justice, is authorized, upon receiv-
17 ing sufficient security for costs on the part of the com-
18 plainant, and sufficient proof by affidavit of the viola-
19 tion of any of the provisions of this act by any person
20 being temporarily within his jurisdiction, but not
21 residing therein, or by any person whose name and
22 residence are unknown to the complainant, to issue his
23 warrant and have such offender committed or held to
24 bail to answer the charge against him ; and any such
25 judge or trial justice may, upon proof of probable cause
26 to believe in the concealment of any game or birds
27 mentioned in this act, during the prohibited periods,
28 issue his search warrant and cause search to be made
29 in any boat, wagon, car, house or other building, and

30 for that end may cause any apartment, chest, box,
31 locker or crate, to be broken open and the contents
32 examined. Any penalties, when collected, shall be
33 paid by the court before which conviction shall be had,
34 one-half to the overseers of the poor for the use of the
35 poor of the city or town in which conviction is had,
36 and the remainder to the prosecutor. On the non-
37 payment of the penalty, the defendant shall be com-
38 mitted to the common jail of the county for a period of
39 not less than five days, and at the rate of one day for
40 each dollar of the amount of the judgment, where the
41 sum is over five dollars in amount ; and it shall be the
42 duty of any county attorney in this state, and he is
43 hereby required to commence actions for the recovery
44 of the penalties allowed and imposed in this act, upon
45 receiving proper information ; and in all actions brought
46 by such county attorney, one-half of the penalty re-
47 covered and collected shall be paid to the person giv-
48 ing information on which the action is brought, and
49 the other half to the overseers of the poor for the use
50 of the poor of the city or town in which conviction is
51 had ; this clause, however, not to preclude any person
52 from bringing suit to recover or enforce any of the
53 penalties named in this act, without the aid or inter-
54 vention of any county attorney.

SECT. 6. This act shall not apply to any person who
2 shall kill any bird or take any egg for the purpose of
3 having the same set up as a specimen.

SECT. 7. Sections sixteen, seventeen and eighteen
2 of chapter thirty of the revised statutes of eighteen
3 hundred and seventy-one, and chapter ninety of the
4 public laws of eighteen hundred and seventy two, are
5 hereby repealed.

SECT. 8. This act shall take effect when approved
2 by the governor.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 17, 1874. }

Reported from the Committee on Judiciary, by Mr. PULLEN,
and ordered to be printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*