

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)

FIFTY-THIRD LEGISLATURE.

SENATE.

No. 49.

STATE OF MAINE.

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

AN ACT to protect the rights of owners of islands.

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

SECTION 1. Any person who shall knowingly tres-
2 pass upon any island in this state situated within salt
3 waters, for the purpose of shooting or hunting thereon,
4 after notice by the owner, occupant or lessee thereof,
5 in any of the ways provided in the following section,
6 shall be liable to such owner, occupant or lessee in
7 exemplary damages to an amount not less than twenty
8 dollars nor more than fifty dollars in addition to all
9 actual damage sustained by said owner, occupant or
10 lessee, and shall also be liable to said owner, occupant
11 or lessee in the sum of five dollars for each bird of any
12 kind shot, caught, taken or killed on such island, all

13 said sums to be recovered in an action of debt. The
14 possession of guns, decoys, or other implements of
15 shooting or hunting shall be presumptive evidence that
16 the purpose of the trespass was for shooting or hunting.

SECT. 2. The notices referred to in the preceding
2 section shall be given by erecting and maintaining sign-
3 boards, at least one foot square, in at least two con-
4 spicuous places on the premises, one of them to be near
5 one of the usual landing places on said island, such
6 notice to read as follows: "All persons are forbidden
7 from shooting or hunting on this island," and shall
8 have appended thereto the name of the owner, occu-
9 pant or lessee; or said notice may be given verbally
10 or in writing by the owner, occupant or lessee of any
11 such island, to any person, and such verbal or written
12 notice shall be binding on the person so notified,
13 whether the sign-boards herein named are erected and
14 maintained or not; and any person who shall tear
15 down or in any way deface or injure any such sign-
16 board, shall be liable to a penalty of one hundred dol-
17 lars to be recovered by the owner, occupant or lessee
18 of such island, in an action of debt.

SECT. 3. Actions to recover any of the sums or pen-
2 alties named in this act may be brought before any
3 supreme, superior, police or municipal court, or any
4 trial justice in the county in which such island is situ-

5 ated, or in any county adjacent thereto, or in the
6 county in which either the plaintiff or defendant re-
7 sides.

SECT. 4. On the non-payment of the penalties pre-
2 scribed by this act, the defendant shall be committed
3 to the common jail of the county where conviction is
4 had, for a period of not less than five days, and at the
5 rate of one day for each dollar of the amount of the
6 judgment, where the sum is over five dollars in amount.

SECT. 5. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 20, 1874.

Reported from the Committee on Legal Affairs, by Mr. FOSTER,
of Oxford, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*