

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

STATE OF MAINE.

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

AN ACT for the protection of Game and Birds.

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

SECTION 1. No person shall, before the first day of
2 October, in the year of our Lord eighteen hundred and
3 eighty, take, kill or destroy any moose in this state.
4 All persons who in any way aid or assist in so doing shall
5 be deemed principals. Any person violating the provis-
6 ions of this section shall forfeit the sum of one hundred
7 dollars for every moose so taken, killed or destroyed.

SECT. 2. Any person who shall, before the first day of
2 October, in the year of our Lord eighteen hundred and
3 eighty, have in his possession, keep or sell any moose
4 meat or moose hide, shall be liable to the penalty provided
5 in section first.

SECT. 3. No person shall, after the first day of October,
2 in the year of our Lord eighteen hundred and eighty,
3 hunt, kill or destroy, with dogs, any moose within this
4 state, under a penalty of one hundred dollars for every
5 moose so killed or destroyed ; and no person shall, after
6 the first day of October aforesaid, between the first day
7 of January and the first day of October, in each year, in

8 any manner hunt, kill or destroy any moose under the
9 same penalty as above provided.

SECT. 4. No person shall hunt, kill or destroy, with
2 dogs, any deer or caribou, within this state, under a pen-
3 alty of forty dollars for every such deer or caribou so
4 killed or destroyed; and no person shall, between the first
5 day of January and the first day of October, in any
6 manner hunt, kill or destroy any deer or caribou, under
7 the same penalty as above provided. Any person may
8 lawfully kill any dog found hunting moose, deer or caribou.

SECT. 5. If any person has in his possession the carcass
2 or hide, or any part thereof, of any such animal, between
3 the first day of January and the first day of October, he
3 shall be deemed to have hunted and killed the same con-
4 trary to law, and be liable to the penalties aforesaid; but
5 he shall not be precluded from producing proof in defence.

SECT. 6. No person shall carry or transport from place
2 to place in this state the carcass or hide, or any part there-
3 of, of any such animal, during the period of time in which
4 the killing of such animal is prohibited, under a penalty
5 of forty dollars.

SECT. 7. The governor, with advice of council, shall
2 appoint one county moose and game warden for each of
3 the counties of Oxford, Franklin, Somerset, Penobscot,
4 Piscataquis, Hancock, Washington, and Aroostook, to
5 hold his office for the term of four years, unless sooner
6 removed, each of whom may appoint in writing one or
7 more deputies under him, and require of them suitable
8 bonds for the faithful performance of their duties, and the
9 payment to him of his fees, and said wardens and their
10 deputies in their several counties, shall faithfully enforce
11 the provisions of this act. Each of the deputies shall annu-
12 ally on or before the first day of December, render to his
13 principal an account under oath of all the penalties by him
14 enforced for the preceding year, and shall pay to him one-
15 tenth part of the net proceeds thereof. Each county
16 moose warden shall, annually in January, render to the

17 secretary of state an account on oath of all the penalties
 18 enforced by himself, or returned to him by his deputies,
 19 for the year ending on the first day of December. The
 20 penalty for neglecting to do so, shall be for a warden fifty
 21 dollars, and a deputy twenty-five dollars; and the warden
 22 shall immediately give notice to the county attorney of
 23 every county of such neglect of his deputy, and the secre-
 24 tary of state shall notify such county attorney of every such
 25 neglect of the warden; and the county attorney shall
 26 prosecute for every such neglect of which he has notice;
 27 and the penalties so recovered shall be for the use of the
 28 county. In such prosecutions the certificate of the secre-
 29 tary of state shall be sufficient evidence of the fact of
 30 such neglect to make return to him.

SECT. 8. The municipal officers of any town may insert
 2 in the warrant for their annual meeting an article for the
 3 choice of a town moose and game warden, who, in his
 4 town and anywhere within the distance of twelve miles
 5 from the exterior bounds thereof, shall have concurrent
 6 jurisdiction with, and the same powers and rights, as the
 7 county moose warden and his deputies; and he shall make
 8 a like return to the secretary of state under a penalty of
 9 twenty-five dollars, to be proved, recovered, and appro-
 10 priated in the same way. Each of said officers shall have
 11 the same authority to require aid in the execution of his
 12 office as sheriffs and their deputies have.

SECT. 9. The county wardens, their deputies or town
 2 wardens, may recover the penalties for unlawfully hunting
 3 and killing moose, deer and caribou, in an action on the
 4 case in their own names, or by complaint or indictment in
 5 the name of the state; and such officers may be competent
 6 witnesses, and the sums recovered shall be paid, one-half
 7 to the warden or deputy warden, and the other to the
 8 county or town, as the case may be. Any person may
 9 prosecute by action, complaint, or indictment for any of
 10 the acts herein forbidden, provided no such warden or
 11 deputy, within fourteen days after the offence is committed,

12 prosecutes therefor, and the sums recovered shall be paid
 13 one-half to the prosecutor, and the other to the county,
 14 and such action, complaint or indictment may be com-
 15 menced in any county in which such animal is killed or
 16 hunted, or into which its carcass or hide, or any portion
 17 thereof may be carried.

SECT. 10. The secretary of state is to communicate to
 2 the legislature, in each month of January, what has been
 3 done in execution of the preceding sections of this chapter
 4 as appears by the returns received.

SECT. 11. No person shall in any way destroy, between
 2 the first day of June and the fifteenth day of October of
 3 each year, any mink, beaver, sable, otter or fisher, under
 4 penalty of ten dollars for each animal so destroyed, to be
 5 recovered on complaint; one-half thereof to the use of
 6 the county where the offence is committed, and one-half
 7 to the prosecutor.

SECT. 12. No person shall kill or have in his possession
 2 except alive, or expose for sale, any wild duck, English
 3 snipe or woodcock, between the first day of December
 4 and the first day of September following; or kill any
 5 ruffed grouse, commonly called partridge, between the
 6 fifteenth day of December and the fifteenth day of Sep-
 7 tember following, or have the same in possession except
 8 alive, or expose for sale between the fifth of December
 9 and the first day of September following; or kill, sell, or
 10 have in possession except alive, any quail or pinnated
 11 grouse, commonly called prairie chicken, between the first
 12 day of January and the first day of September following,
 13 under a penalty of not less than five nor more than ten
 14 dollars for each bird so killed, or had in possession, or
 15 exposed for sale.

SECT. 13. No person shall at any time or in any place
 2 within this state, with any trap, net, snare, device or con-
 3 trivance, other than the usual method of sporting with
 4 firearms; take any wild duck of any variety, quail, grouse,

5 partridge or woodcock, under a penalty of five dollars for
6 each bird so taken.

SECT. 14. No person shall kill or have in his possession
2 except alive, any of the birds commonly known as larks,
3 robins, swallows, sparrows or orioles, or other insectiv-
4 erous birds, crows and hawks excepted, between the first
5 day of January and the first day of October following,
6 under a penalty of five dollars for each bird so killed or
7 had in possession. This section shall not apply to any
8 person who shall kill on his own premises any robin dur-
9 ing the period when cherries are ripening, for the pro-
10 tection of his cherries.

SECT. 15. No person shall at any time wantonly take or
2 destroy the nest, eggs, or unfledged young of any wild
3 bird of any kind, except crows, hawks and owls, or take
4 any eggs or young from such nests, except for preserving
5 the same as specimens, or of rearing said young alive,
6 under a penalty of not less than one nor more than ten
7 dollars for each nest, egg, or young so taken or destroyed.

SECT. 16. No person shall carry or transport from place
2 to place, in this state, any of the birds named herein,
3 during the period in which the killing of such bird is pro-
4 hibited, under a penalty of five dollars for each bird so
5 carried or transported.

SECT. 17. The provisions of this act shall not apply to
2 taxidermists, commissioned by the governor with the
3 advice of the council, to take and kill birds for scientific
4 purposes, provided they kill the birds for such purposes
5 only.

SECT. 18. All penalties imposed by the seven preceding
2 sections may be recovered by an action of debt, or by
3 complaint or indictment in the name of the state, by any
4 warden or his deputies, or any other person, before any
5 court having jurisdiction thereof in any county in which
6 such offence may be committed or the accused resides;
7 and in all actions therefor in the supreme judicial court,

8 or the superior court for the county of Cumberland, if the
9 plaintiff recovers, he shall recover full costs without
10 regard to the amount of such recovery. Such penalties,
11 when collected, shall be paid one-half to the prosecutor,
12 and the other to the overseers of the poor, for the use of
13 the poor of the city or town where such prosecutor
14 resides.

SECT. 19. All acts and parts of acts inconsistent with
2 this act are hereby repealed; saving all actions, com-
3 plaints and indictments now pending, or which may here-
4 after be commenced for the violation of any such act
5 before this act takes effect.