

# MAINE STATE LEGISLATURE

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# Fifty-Seventh Legislature.

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HOUSE

No. 161.

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## STATE OF MAINE.

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

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AN ACT for the protection of game and birds.

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*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 3 and eighty, take, kill or destroy any moose in this 4 state. All persons who in any way aid or assist in so 5 doing shall be deemed principals. Any person vio- 6 lating the provisions of this section shall forfeit the 7 sum of one hundred dollars for every moose so taken, 8 killed or destroyed.

SECT. 2. Any person who shall, before the first day 2 of October, in the year of our Lord eighteen hundred 3 and eighty, have in his possession, keep or sell any

4 moose meat or moose hide, shall be liable to the pen-  
5 alty provided in section first.

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

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

SECT. 5. If any person has in his possession the  
2 carcass or hide, or any part thereof, of any such ani-  
3 mal, between the first day of January and the first  
4 day of October, he shall be deemed to have hunted

5 and killed the same contrary to law, and be liable to  
6 the penalties aforesaid ; but he shall not be precluded  
7 from producing proof in defence.

SECT. 6. Nor person shall carry or transport from  
2 place to place in this state the carcass or hide, or any  
3 part thereof, of any such animal, during the period of  
4 time in which the killing of such animal is prohibited,  
5 under a penalty of forty dollars.

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

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

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

12 same authority to require aid in the execution of his  
13 office as sheriffs and their deputies have.

SECT. 9. The county wardens, their deputies or  
2 town wardens, may recover the penalties for unlawful  
3 hunting and killing moose, deer and caribou, in an  
4 action on the case in their own names, or by complaint  
5 or indictment in the name of the state ; and such  
6 officers may be competent witnesses, and the sums  
7 recovered shall be paid, one-half to the warden or  
8 deputy warden, and the other to the county or town,  
9 as the case may be. Any person may prosecute by  
10 action, complaint, or indictment for any of the acts  
11 herein forbidden, provided no such warden or deputy,  
12 within fourteen days after the offence is committed,  
13 prosecutes therefor, and the sums recovered shall be  
14 paid one-half to the prosecutor, and the other to the  
15 county, and such action, complaint or indictment may  
16 be commenced in any county in which such animal is  
17 killed or hunted, or into which its carcass or hide, or  
18 any portion thereof may be carried.

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

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

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

SECT. 13. No person shall at any time or in any  
2 place within this state, with any trap, net, snare,  
3 device or contrivance, other than the usual method of  
4 sporting with firearms, take any wild duck of any  
5 variety, quail, grouse, partridge or woodcock, under a  
6 penalty of five dollars for each bird so taken.

SECT. 14. No person shall at any time kill or have  
2 in his possession except alive, any of the birds com-  
3 monly known as larks, robins, swallows, sparrows or  
4 orioles, or other insectiverous birds, crows and hawks  
5 excepted.

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

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



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

SECT. 18. All penalties imposed by the seven pre-  
2 ceding sections may be recovered by an action of  
3 debt, or by complaint or indictment in the name of  
4 the state, by any warden or his deputies, or any  
5 other person, before any court having jurisdiction  
6 thereof in any county in which such offence may be  
7 committed or the accused resides; and in all actions  
8 therefor in the supreme judicial court, or any superior  
9 court for the county of Cumberland, if the plaintiff  
10 recovers, he shall recover full costs without regard to  
11 the amount of such recovery. Such penalties, when  
12 collected, shall be paid one-half to the prosecutor,  
13 and the other to the overseers of the poor, for the use  
14 of the poor of the city or town where such prosecutor  
15 resides.

SECT. 19. This act shall not apply to the shooting  
2 of ducks on the sea coast.

SECT. 20. All acts and parts of acts inconsistent  
2 with this act are hereby repealed; saving all action  
3 complaints and indictments now pending, or which

4 may hereafter be commenced for the violation of any  
5 such act before this act takes effect.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 12, 1878. }

Reported from the Committee on Legal Affairs, by Mr. PARLIN  
of Anson, and ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*