

# 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)

---

---

# Sixty-Fourth Legislature.

---

---

SENATE.

No. 129.

---

---

## STATE OF MAINE.

---

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

---

AN ACT to amend chapter thirty of the Revised Statutes relating to moose, deer, caribou and other wild game.

---

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

SECTION 1. Section nine of chapter thirty of the Revised Statutes is hereby amended by striking out all of said section after the figure 9, and inserting the following words: 'Whoever hunts kills or destroys with dogs any moose, or in any manner hunts, kills, destroys or has in possession any cow moose, or any part thereof, forfeits one hundred dollars for every moose so hunted, killed, destroyed or had in possession; and no person shall, between the first days of January and October, in any manner hunt, catch, kill, destroy or have in possession any bull moose or any part thereof, taken in close time, under the same penalty,' so that said section as amended shall read as follows:

‘SECT. 9. Whoever hunts, kills or destroys with dogs  
15 any moose, or in any manner hunts, kills, destroys or has  
16 in possession any cow moose, or part thereof, forfeits one  
17 hundred dollars for every moose so hunted, killed, de-  
18 stroyed or had in possession; and no person shall, be-  
19 tween the first days of January and October, in any man-  
20 ner hunt, catch, kill, destroy or have in possession any  
21 bull moose, or any part thereof, taken in close time,  
22 under the same penalty.’

SECT. 2. Section ten of said chapter is hereby amended  
2 by striking out all of said section after the figure 10, and  
3 inserting the following words:

‘Whoever hunts, catches, kills or destroys with a dog  
5 or dogs any deer or caribou, forfeits forty dollas for every  
6 deer or caribou so hunted, caught, killed or destroyed;  
7 and no person shall, between the first days of January  
8 and October, in any manner hunt, catch, kill, destroy or  
9 have in possession any deer or caribou, or part thereof,  
10 taken in close time, under the same penalty. Any person  
11 may lawfully kill any dog found, kept or used for the  
12 purpose of hunting moose, deer or caribou. Any person  
13 owning or having in possession a dog for the purpose of  
14 hunting moose, deer or caribou, or that is used for such  
15 hunting, forfeits not less than twenty nor more than one  
16 hundred dollars,’ so that said section, as amended, shall  
17 read as follows:

‘SECT. 10. Whoever hunts, catches, kills, or destroys  
19 with a dog or dogs any deer or caribou, forfeits forty  
20 dollars for every deer or caribou so hunted, caught,  
21 killed or destroyed; and no person shall, between the  
22 first days of January and October, in any manner hunt,

23 catch, kill, destroy or have in possession any deer or  
24 caribou, or part thereof, taken in close time, under the  
25 same penalty. Any person may lawfully kill any dog  
26 found, kept or used for the purpose of hunting moose,  
27 deer or caribou. Any person owning or having in pos-  
28 session a dog for the purpose of hunting moose, deer or  
29 caribou, or that is used for such hunting, forfeits not less  
30 than twenty nor more than one hundred dollars.'

SECT. 3. Section eleven of said chapter is hereby  
2 amended by striking out all of said section after the figures  
3 11, and inserting the following words :

'Whoever has in his possession any such animal, or part  
5 thereof, between the first days of January and October,  
6 shall be deemed to have hunted, caught and killed the  
7 same, contrary to law, and be liable to the penalties afore-  
8 said ; but he shall not be precluded from producing proof  
9 in his defence that such animal was hunted, caught or  
10 killed in open time. Any officer authorized to enforce  
11 the game laws, may search for such animal or part thereof,  
12 subject to sections twelve, thirteen and fourteen of chapter  
13 one hundred and thirty-two ; and the warrant may be  
14 issued on his own complaint,' so that said section, as  
15 amended, shall read as follows :

'SECT. 11. Whoever has in possession any such animal  
17 or part thereof, between the first days of January and  
18 October, shall be deemed to have hunted, caught and  
19 killed the same contrary to law, and be liable to the pen-  
20 alties aforesaid ; but he shall not be precluded from pro-  
21 ducing proof in his defence that such animal was hunted,  
22 caught or killed in open time. Any officer authorized to  
23 enforce the game laws, may search for such animal, or

24 part thereof, subject to sections twelve, thirteen and four-  
25 teen of chapter one hundred and thirty-two; and the war-  
26 rant may be issued on his own complaint.'

SECT. 4. Section twelve of said chapter is hereby  
2 amended by striking out all of said section after the fig-  
3 ures 12, and inserting the following words:

'Whoever catches, kills, destroys or has in possession  
5 between the first days of January and October, more than  
6 one moose, two caribou and three deer, forfeits one hun-  
7 dred dollars for every moose, and forty dollars for every  
8 caribou or deer so caught, killed, destroyed or had in pos-  
9 session in excess of said number. Whoever has in pos-  
10 session, except those lawfully taken in open time, or the  
11 increase of those domesticated, more than the aforesaid  
12 number of moose, caribou and deer, or parts thereof,  
13 shall be deemed to have caught, killed or destroyed the  
14 same in violation of law,' so that said section as amended  
15 shall read as follows:

'SECT. 12. Whoever catches, kills, destroys or has in  
17 possession, between the first days of January and Octo-  
18 ber, more than one moose, two caribou and three deer,  
19 forfeits one hundred dollars for every moose, and forty  
20 dollars for every caribou or deer so caught, killed, de-  
21 stroyed or had in possession in excess of said number.  
22 Whoever has in possession, except those lawfully taken  
23 in open time, or the increase of those domesticated, more  
24 than the aforesaid number of moose, caribou and deer, or  
25 parts thereof, shall be deemed to have caught, killed or  
26 destroyed the same in violation of law.'

SECT. 5. Section thirteen of said chapter is hereby  
2 amended by striking out all of said section after the fig-  
3 ures 13, and inserting the following words:

‘Whoever, during close time, buys or sells any moose, 5 caribou or deer, or any part thereof, and whoever carries 6 or transports from place to place any such animal or part 7 thereof during close time, or in open time, except ani- 8 mals or parts thereof in possession of the person who 9 lawfully caught or killed the same, open to view, labelled 10 or tagged, with the name of said person plainly written 11 or printed thereon, shall forfeit the sum of one hundred 12 dollars for each moose, and forty dollars for each caribou 13 or deer, or part thereof, so bought, sold, carried or trans- 14 ported. And whoever, with intent to aid another in such 15 transportation, by taking possession of any such animal 16 or part thereof, or permits his name to be used on the 17 label or tag attached thereto, shall be liable to the re- 18 spective penalties aforesaid; such animals or parts there- 19 of being transported in open time by common carriers or 20 other persons, so labelled and tagged and accompanied 21 by the person who lawfully caught or killed the same, 22 shall be deemed to be in the possession of such person 23 and not in the possession of such common carrier. Who- 24 ever, by false representations, induces a common carrier 25 or other person to take any such animal or part thereof 26 to transport, shall pay a fine of not more than twenty 27 dollars, and be imprisoned not exceeding twenty days,’ 28 so that said section as amended shall read as follows :

‘SECT. 13. Whoever, during close time, buys or sells 30 any moose, caribou or deer, or any part thereof, and who- 31 ever carries or transports from place to place any such 32 animal or part thereof during close time, or in open time, 33 except animals or parts thereof in possession of the per- 34 son who lawfully caught or killed the same, open to view,

35 labelled or tagged, with the name of said person plainly  
36 written or printed thereon, shall forfeit the sum of one  
37 hundred dollars for each moose, and forty dollars for each  
38 caribou or deer, or part thereof, so bought, sold, carried  
39 or transported. And whoever, with intent to aid another  
40 in such transportation, by taking possession of any such  
41 animal or part thereof, or permits his name to be used on  
42 the label or tag attached thereto, shall be liable to the  
43 respective penalties aforesaid. Such animals or parts  
44 thereof being transported in open time by common carriers  
45 or other persons, so labelled and tagged and accompanied  
46 by the person who lawfully caught or killed the same,  
47 shall be deemed to be in the possession of such person  
48 and not in the possession of such common carrier. Who-  
49 ever, by false representations, induces a common carrier  
50 or other person to take any such animal or part thereof  
51 to transport, shall pay a fine of not more than twenty  
52 dollars, and be imprisoned not exceeding twenty days.'

SECT. 6. Section fifteen is hereby amended by striking  
2 out all of said section after the figures 15, and inserting  
3 the following words :

'All game hunted, caught, killed, destroyed, bought,  
5 sold, carried, transported or found in possession of any  
6 person or corporation, in violation of the provisions of  
7 this chapter and amendments thereto, shall be liable to  
8 seizure ; and in case of conviction for such violation, shall  
9 be decreed forfeited by the court to the prosecutor,  
10 who may sell the same for consumption in this State,' so  
11 that said section as amended, shall read as follows :

'SECT. 15. All game hunted, caught, killed, destroyed,  
13 bought, sold, carried, transported or found in possession

14 of any person or corporation, in violation of the provisions  
15 of this chapter, and amendments thereto, shall be liable  
16 to seizure ; and in case of conviction for such violation,  
17 shall be decreed forfeited by the court to the prosecutor,  
18 who may sell the same for consumption in this State.'

SECT. 7. Section sixteen of said chapter is hereby  
2 amended by striking out all of said section after the figures  
3 16, and inserting the following words :

' Any officer authorized to enforce the fish and game laws  
5 shall, while on duty, wear a badge as an insignia of his  
6 office, and may, without process, arrest any person found  
7 violating, or who has violated, any of said laws ; and he  
8 shall, with reasonable diligence, cause a process to be  
9 issued and prosecuted against him,' so that said section,  
10 as amended, shall read as follows :

' SECT. 16. Any officer authorized to enforce the fish  
12 and game laws shall, while on duty, wear a badge as an  
13 insignia of his office, and may, without process, arrest any  
14 person found violating, or who has violated, any of said  
15 laws ; and he shall, with reasonable diligence, cause a  
16 process to be issued and prosecuted against him.'

SECT. 8. Section twenty-one of said chapter is hereby  
2 amended by adding thereto the following words :

' Woodcock or ruffled grouse or partridge, shall not be  
4 carried or transported from place to place, except in pos-  
5 session of the owner thereof, under the same penalty.'

SECT. 9. Section twenty-six is hereby amended by  
2 striking out all of said section after the figures 26, and  
3 inserting the following words :

' All fines and penalties recovered for violations of the  
5 preceding sections to and including section nine, shall



6 be paid, one-half to the prosecutor, and the other half,  
7 with the costs, to the county where the action is brought,  
8 or the warrant or indictment issued. All fines, penalties and  
9 costs collected on complaint or indictment in the enforce-  
10 ment of any fish or game law, shall be paid to the court  
11 trying the same, and by such court to the treasurer of the  
12 county in which such court is held, which court shall  
13 certify to such treasurer the name of the person entitled  
14 to one-half of such fine or penalty; which said half shall  
15 be paid to him by such treasurer. In all actions of debt  
16 therefor in any court, if the plaintiff prevails, he shall  
17 recover full costs, without regard to the amount recov-  
18 ered; and one-half of all fines and penalties collected in  
19 actions of debt, shall be paid forthwith into such treasury.  
20 Any officer or other person who shall receive any fine or  
21 penalty, or any part thereof, for the violation of any fish  
22 or game law, except through the county treasury, on  
23 complaint or indictment as aforesaid, or if by action of  
24 debt, and neglects for more than sixty days to pay one-  
25 half so collected into such treasury, shall be punished by  
26 fine not less than forty nor more than one hundred dol-  
27 lars for the first offence, and for every subsequent offence,  
28 by said fine, and imprisonment not exceeding six months,  
29 so that said section, as amended, shall read as follows:

‘SECT. 26. All fines and penalties recovered for viola-  
31 tions of the preceding sections, to and including section  
32 nine, shall be paid one-half to the prosecutor and the other  
33 half, with the costs, to the county where the action is  
34 brought or the warrant or indictment issued.

All fines, penalties and costs collected on complaint or  
36 indictment in the enforcement of any fish or game law,

37 shall be paid to the court trying the same, and by such  
38 court to the treasurer of the county in which such court  
39 is held; which court shall certify to such treasurer the  
40 name of the person entitled to one-half of such fine or  
41 penalty; which said half shall be paid to him by such treas-  
42 urer. In all actions of debt therefor in any court, if the  
43 plaintiff prevails, he shall recover full costs without regard  
44 to the amount recovered; and one-half of all fines and  
45 penalties collected in actions of debt, shall be paid forth-  
46 with into such treasury; any officer or other person who  
47 shall receive any fine or penalty, or any part thereof, for  
48 the violation of any fish or game law, except through the  
49 county treasury, on complaint or indictment, as aforesaid,  
50 or if by action of debt, and neglects for more than sixty  
51 days to pay one-half so collected into such treasury, shall  
52 be punished by fine of not less than forty nor more than  
53 one hundred dollars for the first offence, and for every  
54 subsequent offence by said fine, and imprisonment not  
55 exceeding six months.'

SECT. 10. All acts or parts of acts inconsistent with  
2 this act are hereby repealed.



STATE OF MAINE.

---

IN SENATE, February 21, 1889.

Reported by Mr. HINCKLEY from Committee on Fisheries and Game,  
and laid on table to be printed under joint rules.

C. W. TILDEN, *Secretary*.