

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:

BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1892.

# Sixty-Fifth Legislature.

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SENATE.

No. 171.

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## STATE OF MAINE.

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

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AN ACT to amend chapter thirty of the Revised Statutes  
relating to the Protection of Game.

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

SECTION 1. Section nine of chapter thirty of the  
2 Revised Statutes is hereby amended by striking out all of  
3 said section after the figure 9, and inserting the following  
4 words: 'Whoever hunts, catches, kills or destroys with  
5 dogs any moose, or in any manner hunts, catches, kills,  
6 destroys or has in possession any cow moose, or part  
7 thereof, forfeits one hundred dollars for every moose or  
8 cow moose so hunted, caught, killed, destroyed or had in  
9 possession; and no person shall, between the first days of  
10 January and October in any manner hunt, catch, kill,

11 destroy or have in possession any bull moose, or any part  
12 thereof, taken in close time, under the same penalty ;' so  
13 that said section as amended shall read as follows :

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

    'Section 10. Whoever hunts, catches, kills or destroys  
18 with dogs any deer or caribou, forfeits forty dollars for  
19 every deer or caribou so hunted, caught, killed or

20 destroyed ; and no person shall, between the first days of  
21 January and October, in any manner hunt, catch, kill,  
22 destroy or have in possession any deer or caribou, or part  
23 thereof, taken in close time, under the same penalty.  
24 Any person may lawfully kill any dog found hunting  
25 moose deer or caribou, or kept or used for that purpose.  
26 Any person owning or having in possession any dog for  
27 the purpose of hunting moose, deer or caribou, or that is  
28 kept or used for such hunting, forfeits not less than twenty  
29 nor more than one hundred dollars for each dog so owned,  
30 kept, used or in possession.'

SECT. 3. Section eleven of said chapter is hereby  
2 amended by striking out all of said section after the fig-  
3 ures 11, and inserting the following words: 'Whoever  
4 has in his possession any such animal or part thereof,  
5 between the first days of January and October shall be  
6 deemed to have hunted, caught or killed the same con-  
7 trary to law, and be liable to the penalties aforesaid ; but  
8 he shall not be precluded from producing proof in his  
9 defence that such animal was hunted, caught or killed in  
10 open time. Any officer authorized to enforce the fish and  
11 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 :

'Section 11. Whoever has in possession any such  
17 animal or part thereof, between the first days of January  
18 and October shall be deemed to have hunted, caught or  
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 fish and game laws, may search for such  
24 animal, or part thereof, subject to sections twelve, thir-  
25 teen and fourteen of chapter one hundred and thirty-two ;  
26 and the warrant 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: 'No person  
4 shall take, kill, destroy or have in possession between the  
5 first days of October and January more than one moose,  
6 two caribou and three deer, under a penalty of one hun-  
7 dred dollars for every moose and forty dollars for every  
8 caribou or deer, or parts thereof, so taken, killed,  
9 destroyed or in possession in excess of said number.  
10 Whoever has in possession, except alive, more than the  
11 aforesaid number of moose, caribou or deer, or parts  
12 thereof shall be deemed to have killed or destroyed them  
13 in violation of law. But nothing in this section shall  
14 prevent any market man or provision dealer, having an  
15 established place of business in this State, from purchas-  
16 ing and having in possession at his said place of business,  
17 not exceeding one moose, two caribou and three deer  
18 lawfully caught, killed or destroyed, or any part thereof,  
19 at any one time, and selling the same at retail in open  
20 season to his local customers;' so that said section as  
21 amended shall read as follows:

'Section 12. No person shall take, kill, destroy or have  
23 in possession between the first days of October and Jan-  
24 uary more than one moose, two caribou and three deer,  
25 under a penalty of one hundred dollars for every moose

26 and forty dollars for every caribou or deer, or parts  
27 thereof, so taken, killed, destroyed or in possession in  
28 excess of said number. Whoever has in possession, except  
29 alive more than the aforesaid number of moose, caribou  
30 or deer or parts thereof shall be deemed to have killed or  
31 destroyed them in violation of law. But nothing in this  
32 section shall prevent any market man or provision dealer,  
33 having an established place of business in this State, from  
34 purchasing and having in possession at his said place of  
35 business, not exceeding one moose, two caribou and three  
36 deer lawfully caught, killed or destroyed, or any part  
37 thereof, at any one time, and selling the same at retail in  
38 open season to his local customers.'

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: 'No person  
4 or corporation shall carry or transport from place to place  
5 any moose, caribou or deer, or part thereof in close time,  
6 nor in open time unless open to view, tagged and plainly  
7 labelled with the name of the owner thereof, and accom-  
8 panied by him, under a penalty of forty dollars; and any  
9 person, not the actual owner of such game or part thereof,  
10 who, to aid another in such transportation falsely repre-  
11 sents himself to be the owner, shall be liable to the  
12 penalties aforesaid,' so that said section as amended, shall  
13 read as follows:

'Section 13. No person or corporation shall carry or  
15 transport from place to place any moose, caribou or deer  
16 or part thereof in close time, nor in open time unless open  
17 to view, tagged and plainly labelled with the name of the  
18 owner thereof, and accompanied by him, under a penalty

19 of forty dollars ; and any person, not the actual owner of  
20 such game or part thereof, who, to aid another in such  
21 transportation falsely represents himself to be the owner,  
22 shall be liable to the penalties aforesaid.’

SECT. 6. Section fourteen of said chapter is hereby  
2 amended by inserting in the first, second, seventh and  
3 eighth lines thereof after the word “game” the words ‘or  
4 fish’ so that said section as amended shall read as follows :

‘Section 14. Any person whose game or fish has been  
6 seized for violation of any game or fish law, shall have it  
7 returned to him on giving to the officer a bond with suffi-  
8 cient sureties, residents of the State, in double the amount  
9 of the fine for such violation, conditioned, that if convicted  
10 of such violation he will, within thirty days thereafter,  
11 pay such fine and costs. If he neglects or refuses to give  
12 such bond and take the game or fish so seized, he shall  
13 have no action against the officer for such seizure, or for  
14 the loss of the game or fish seized.’

SECT. 7. Section fifteen of said chapter is hereby  
2 amended by striking out all of said section after the  
3 figures 15, and inserting the following words : ‘All game  
4 hunted, caught, killed, destroyed, bought, carried, trans-  
5 ported or found in possession of any person or corporation  
6 in violation of the provisions of this chapter and amend-  
7 ments thereto, shall be liable to seizure ; and in case of  
8 conviction for such violation, shall be forfeited to the  
9 prosecutor, who may sell the same for consumption in  
10 this State,’ so that said section as amended shall read as  
11 follows :

‘Section 15. All game hunted, caught, killed, destroyed,  
13 bought, carried, transported or found in possession of



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

SECT. 8. Section sixteen of said chapter is hereby  
2 amended by striking out all of said section after the fig-  
3 ures 16, and inserting the following words: 'Any officer  
4 authorized to enforce the fish and game laws, may, with-  
5 out process, arrest any violator of any of said laws ; and  
6 he shall, with reasonable diligence, cause him to be taken  
7 before any neighboring trial justice in any county, for a  
8 warrant and trial ; and jurisdiction in such cases in this  
9 and section nine hereof, is hereby granted to all trial  
10 justices and all other courts to be exercised in the same  
11 way and manner as if the offence had been committed in  
12 that county. And any officer who shall maliciously, or  
13 without probable cause abuse his power in such proceed-  
14 ings shall be liable upon complaint or indictment to a fine  
15 not exceeding one hundred dollars or imprisonment not  
16 exceeding three months,' so that said section as amended  
17 shall read as follows :

'Section 16. Any officer authorized to enforce the fish  
19 and game laws may, without process, arrest any violator  
20 of any of said laws ; and he shall, with reasonable dili-  
21 gence, cause him to be taken before any neighboring trial  
22 justice in any county, for a warrant and trial and juris-  
23 diction in such cases in this and section nine hereof, is  
24 hereby granted to all trial justices and all other courts to  
25 be exercised in the same way and manner as if the offence  
26 had been committed in that county. And any officer who

27 shall maliciously or without probable cause abuse his  
28 power in such proceedings shall be liable upon complaint  
29 or indictment to a fine not exceeding one hundred dollars  
30 or imprisonment not exceeding three months.'

SECT. 9. Section seventeen of said chapter is hereby  
2 amended by striking out all of said section after the fig-  
3 ures 16, and inserting the following words: 'Sheriffs,  
4 deputy sheriffs, police officers and constables, are vested  
5 with the powers of game wardens and their deputies, and  
6 shall receive for their services the same fees;' so that said  
7 section as amended shall read as follows:

'Section 17. Sheriffs, deputy sheriffs, police officers and  
9 constables, are vested with the powers of game wardens  
10 and their deputies, and shall receive for their services the  
11 same fees.'

SECT. 10. Section eighteen of said chapter is hereby  
2 amended by striking out all of said section after the figures  
3 18, and inserting the following words: 'Officers author-  
4 ized to enforce the fish and game laws and all other per-  
5 sons, may recover the penalties for the violation thereof  
6 in an action of debt in their own names, or by complaint  
7 or indictment in the name of the State, and such prosecu-  
8 tion may be commenced in any county in which the  
9 offender may be found, or in any neighboring county;' so  
10 that said section as amended shall read as follows:

'Section 18. Officers authorized to enforce the fish and  
12 game laws and all other persons, may recover the penal-  
13 ties for the violation thereof in an action on the case in  
14 their own names or by complaint or indictment in the  
15 name of the State, and such prosecution may be com-  
16 menced in any county in which the offender may be found,  
17 or in any neighboring county.'

SECT. 11. Section twenty-one of said chapter as amended  
2 by chapter 248 of the public laws of 1889 is hereby  
3 amended by striking out all of said section after the period  
4 in the fourteenth line, and inserting the following words :  
5 ‘And no person at any one time, shall kill, expose for  
6 sale, or have in possession, except alive more than thirty  
7 of each variety of birds above named, during the respec-  
8 tive open seasons, nor shall any person at any time kill,  
9 expose for sale, or have in possession, except alive, any  
10 of the above named varieties of birds except for con-  
11 sumption within this State, under a penalty of five dollars for  
12 each bird so unlawfully killed, exposed for sale or in pos-  
13 session ; nor shall any person or corporation carry or trans-  
14 port from place to place in open season any of the above  
15 mentioned birds unless open to view, tagged and plainly  
16 labelled with the owner’s name, and accompanied by him,  
17 under the same penalty ; any person, not the actual owner  
18 of such birds, who, to aid another in such transportation  
19 falsely represents himself to be the owner thereof, shall  
20 be liable to the same penalty ; nor shall any person or  
21 corporation carry or transport at any one time more than  
22 fifteen of any one variety of birds above named, as the  
23 property of one man under the same penalty ; nothing in  
24 this section shall prevent any market man or provision  
25 dealer having an established place of business in this  
26 State, from purchasing at his said place of business, any  
27 bird lawfully caught, killed or destroyed, or any part  
28 thereof, and selling the same in open season at retail to  
29 his local customers ;’ so that said section as amended shall  
30 read as follows :

‘Section 21. Whoever kills or has in possession,  
32 except alive, or exposes for sale, any wood duck, dusky

33 duck, commonly called block duck, teal or gray duck,  
34 between the first days of April and September, or kills,  
35 sells or has in possession, except alive, any ruffed grouse,  
36 commonly called partridge, or woodcock, between the first  
37 days of December and September following; or kills,  
38 sells or has in possession, except alive, any quail between  
39 the first day of December and the first day of October  
40 following, or pinnated grouse, commonly called prairie  
41 chicken, between the first days of January and September,  
42 or plover between the first days of May and August, for-  
43 feits not less than five nor more than ten dollars, for each  
44 bird so killed, had in possession, or exposed for sale.  
45 And no person shall at any one time, kill, expose for sale,  
46 or have in possession, except alive, more than thirty of  
47 each variety of birds above named, during the respective  
48 open seasons, nor shall any person at any time kill, expose  
49 for sale, or have in possession, except alive, any of the  
50 above named varieties of birds except for consumption  
51 within this State, under a penalty of five dollars for each  
52 bird so unlawfully killed, exposed for sale or in posses-  
53 sion; nor shall any person or corporation carry or trans-  
54 port from place to place in open season any of the above  
55 mentioned birds unless open to view, tagged and plainly  
56 labelled with the owner's name, and accompanied by him,  
57 under the same penalty; any person, not the actual owner  
58 of such birds, who, to aid another in such transportation  
59 falsely represents himself to be the owner thereof, shal  
60 be liable to the same penalty; nor shall any person or  
61 corporation carry or transport at any one time more than  
62 fifteen of any one variety of birds above named, as the  
63 property of one man under the same penalty; nothing in

64 this section shall prevent any market man or provision  
65 dealer having an established place of business in this State,  
66 from purchasing at his said place of business, any bird  
67 lawfully caught, killed or destroyed, or any part thereof,  
68 and selling the same in open season at retail to his local  
69 customers.'

SECT. 12. 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, penalties and  
4 costs collected on complaint or indictment for the violation  
5 of any fish or game law shall be paid to the court render-  
6 ing final judgment thereon, and by such court to the  
7 treasurer of the county in which said court is held; and  
8 all fines and penalties recovered in actions of debt for the  
9 violation of any such law, shall be paid forthwith to such  
10 treasurer. And all such fines and penalties shall be forth-  
11 with paid by such treasurer into the State treasury there  
12 to be credited as additional to the funds appropriated by  
13 the State to Inland Fisheries and Game, and Sea and  
14 Shore Fisheries respectively, according to the special de-  
15 partment under which they are received, the same to be  
16 used by the Commissioners of Fisheries and Game respec-  
17 tively, in the enforcement of the fish and game laws. In  
18 all actions of debt therefor in any court, if the plaintiff  
19 prevails he shall recover full costs without regard to the  
20 amount recovered. Any officer or other person who shall  
21 receive any fine or penalty, or any part thereof, for the  
22 violation of any fish or game law, either on complaint or  
23 indictment as aforesaid, or if by action of debt, and  
24 neglects for more than sixty days to pay the same into  
25 such county treasury, shall be punished by fine not less

26 than forty nor more than one hundred dollars for the first  
27 offence, and for every subsequent offence, by such fine,  
28 and imprisonment not exceeding six months ;' so that said  
29 section as amended shall read as follows :

‘Section 26. All fines, penalties and costs collected on  
31 complaint or indictment for the violation of any fish or  
32 game law shall be paid to the court rendering final judg-  
33 men thereon, and by such court to the treasurer of the  
34 county in which said court is held ; and all fines and pen-  
35 alties recovered in actions of debt for the violation of any  
36 such law, shall be paid forthwith to such treasurer. And  
37 all such fines and penalties shall be forthwith paid by such  
38 treasurer into the State treasury there to be credited as  
39 additional to the funds appropriated by the State to Inland  
40 Fisheries and Game and Sea and Shore Fisheries respec-  
41 tively, according to the special department under which  
42 they are received, the same to be used by the Commis-  
43 sioners of Fisheries and Game respectively, in the enforce-  
44 ment of the fish and game laws. In all actions of debt  
45 therefor in any court, if the plaintiff prevails he shall  
46 recover full costs without regard to the amount recovered.  
47 Any officer or other person who shall receive any fine or  
48 penalty, or any part thereof, for the violation of any fish  
49 or game law, either on complaint or indictment as afore-  
50 said, or if by action of debt, and neglects for more than  
51 sixty days to pay same into such county treasury, shall  
52 be punished by fine not less than forty nor more than  
53 one hundred dollars for the first offence, and for every  
54 subsequent offence, by such fine, and imprisonment not  
55 exceeding six months.’

SECT. 13. All acts or parts of acts inconsistent with  
2 this act are hereby repealed.





## STATE OF MAINE.

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IN SENATE, March 6, 1891.

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

KENDALL M. DUNBAR, *Secretary*.