

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 344.

STATE OF MAINE.

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

AN ACT to amend chapter 30 and chapter 40 of the Revised
Statutes, relating to Inland Fisheries and Game.

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

Section 1. Section 9 of chapter 30 of the Revised Statutes
2 as amended by chapter 109 of the Public Laws of 1895, is
3 hereby amended by inserting the words 'artificial light' after
4 the word "light" at the end of the first line, and by striking
5 out the words "for not less than \$100 nor more than \$300,"
6 in the fourth and fifth lines, and inserting therefor the words
7 'shall be imprisoned not exceeding four months' and by
8 striking out the words "and be imprisoned 30 days" in

9 the sixth and seventh lines, and by striking out the word
10 "January" in the eighth line, and inserting therefor the word
11 'November fifteenth,' so that said section as amended shall
12 read as follows:

'Section 9. Whoever hunts, catches, kills or destroys with
14 dogs, jack lights, artificial lights, (so called,) snares or traps,
15 any bull moose, or in any manner hunts, catches, kills, des-
16 troys or has in possession any cow or calf moose, or part
17 thereof, shall be imprisoned not exceeding four months for
18 every bull moose or cow or calf moose so hunted, caught,
19 killed, destroyed or had in possession; and no person shall,
20 between the first day of December and the fifteenth day
21 of October, in any manner hunt, catch, kill or destroy or
22 have in possession any bull moose, or any part thereof,
23 taken in close time, under the same penalty.'

Sect. 2. Section 10 of chapter 30 of the Revised Statutes,
2 as amended by chapter 36 of the Public Laws of 1895, is
3 hereby amended by inserting the words 'artificial light' after
4 the word "light" at the end of the first line, and by striking
5 out the word "caribou" wherever it occurs in said section,
6 and by striking out all after the word "penalty" in the
7 seventh line, so that said section as amended shall read as
8 follows:

'Section 10. Whoever hunts, catches, kills or destroys,
10 with dogs, jack lights, artificial light, (so called,) snares or
11 traps, any deer, forfeits forty dollars for every deer so
12 hunted, caught, killed or destroyed, and be subject to
13 imprisonment thirty days, and no person shall, between the
14 first days of January and October, in any manner, hunt,
15 catch, kill or destroy or have in possession any deer or part
16 thereof, taken in close time, under the same penalty.'

Sect. 3. Section 11 of chapter 30 of the Revised Statutes, 2 as amended by section 3 of chapter 95 of the Public Laws 3 of 1891, is hereby amended by striking out all of said section 4 after the word "any" in the first line, and adding the words, 5 'deer, or parts thereof, between the first day of January and 6 the first day of the following October, not by himself killed 7 in open season, except as hereinafter provided, shall be pun- 8 ished by a fine of forty dollars and costs of prosecution for 9 each offence,' so that said section as amended shall read as 10 follows:

'Section 11. Whoever has in possession any deer, or parts 12 thereof, between the first day of January and the first day 13 of the following October, not by himself killed in open sea- 14 son, except as hereinafter provided, shall be punished by a 15 fine of forty dollars and costs of prosecution for each 16 offence.'

Sect. 4. Section 12 of chapter 30 of the Revised Statutes 2 as amended by chapter 87 of the Public Laws of 1895, is 3 hereby amended by substituting therefor the following 4 section:

'Section 12. No person shall take, kill, destroy or have in 6 possession between the fifteenth day of October and the first 7 day of December, more than one bull moose, and one cari- 8 bou; nor shall any person kill, take, destroy or have in pos- 9 session between the first days of October and January more 10 than two deer under a penalty of not less than forty dollars 11 and costs for every deer or part thereof, and not exceeding 12 four months imprisonment for each bull moose or caribou 13 so taken, killed or destroyed or had in possession in excess 14 of said number.

'Whoever has in possession, except alive, more than the 16 aforesaid number of bull moose, caribou or deer, or parts

17 thereof, shall be deemed to have killed or destroyed them
18 in violation of law. But nothing in this section shall prevent
19 any marketman or provision dealer, having an established
20 place of business in this State, from purchasing and having
21 in possession at his said place of business three deer, lawfully
22 killed or destroyed, or any part thereof, at one time, and
23 selling the same at retail in open season to his local cus-
24 tomers, provided said marketman had complied with the
25 provisions of section 31 of this chapter.’
24 tomers.’

Sect. 5. Section 13 of chapter 30 of the Revised Statutes,
2 as amended by section 5 of chapter 95 of the Public Laws
3 of 1891, is hereby amended by striking out all of said section
4 after the word “name” in the fourth line, and adding the
5 words ‘and residence of the owner thereof, and accompanied
6 by him, under a penalty of forty dollars and costs of prosecu-
7 tion for each moose, caribou or deer so transported or car-
8 ried; and any person not the actual owner of such game or
9 part thereof, who, to aid another in such transportation,
10 falsely represents himself to be the owner thereof, shall be
11 liable to the penalties aforesaid; and it shall be prima facie
12 evidence that said game was illegally killed, that is being
13 transported or carried in violation of this section,’ so that
14 said section as amended shall read as follows:

‘Section 13. No person or corporation shall carry or trans-
16 port from place to place any moose, caribou or deer, or part
17 thereof in close time, nor in open time unless open to view,
18 tagged and plainly labelled with the name and residence of
19 the owner thereof, and accompanied by him, under a penalty
20 of forty dollars and costs of prosecution for each moose,
21 caribou or deer so transported or carried; and any person

22 not the actual owner of such game or parts thereof, who,
23 to aid another in such transportation, falsely represents
24 himself to be the owner thereof, shall be liable to the penal-
25 ties aforesaid; and it shall be prima facie evidence that said
26 game was illegally killed, that is being transported or carried
27 in violation of this section.'

Sect. 6. Section 15 of chapter 30 of the Revised Statutes,
2 as amended by section 7 of chapter 95 of the Public Laws of
3 1891, is hereby amended by striking out all of said section
4 after the word "violation" in the fifth line, and adding the
5 words 'such game shall be forfeited to the State to be sold
6 for consumption in this State only, and the proceeds thereof
7 shall monthly be paid into the treasury of the State to be
8 added to the fund for the propagation and protection
9 of inland fish and the protection of the inland game,' so
10 that said section as amended shall read as follows:

'Section 15. All game hunted, caught, killed, destroyed,
12 bought, carried, transported or found in possession of any
13 person or corporation, in violation of the provisions of this
14 chapter and amendments thereto, shall be liable to seizure;
15 and in case of conviction for such violation, such game shall
16 be forfeited to the State, to be sold for consumption in this
17 State only, and the proceeds thereof shall monthly be paid
18 into the treasury of the State to be added to the fund for
19 the propagation and protection of inland fish and the pro-
20 tection of the inland game.'

Sect. 7. Section 26 of chapter 30 of the Revised Statutes,
2 as amended by section 1 of chapter 167 of the Public Laws
3 of 1895, is hereby amended by adding thereto the following
4 words: 'and the said county treasurers shall, on the first day
5 of June and the first day of December of each year, transmit

6 such fines and costs, after deducting the costs and pay for
7 prisoners' board boarded in the jail in his said county for
8 any violation of the inland fish and game laws, to the treas-
9 urer of the State; and said sums of money thus received by
10 the State treasurer shall be and become a part of the
11 fund for inland fish and game,' so that said section as
12 amended shall read as follows:

'Section 26. All fines, penalties and costs collected on
14 complaint or indictment for the violation of any fish or game
15 law shall be paid to the court rendering final judgment
16 thereon, and by such court to the treasurer of the county in
17 which said court is held; and all fines and penalties recov-
18 ered in actions of debt for the violation of any such law, shall
19 be paid forthwith to such treasurer. In all actions of debt
20 therefor in any court, if the plaintiff prevails, he shall recover
21 full costs without regard to the amount recovered.

'Any officer or other person who shall receive any fine or
23 penalty, or any part thereof, for the violation of any fish or
24 game law, either on complaint of indictment as aforesaid, or
25 if by action of debt, and neglects for more than sixty days to
26 pay the same into such county treasury, shall be punished
27 by a fine of not less than forty nor more than one hundred
28 dollars for the first offence, and for every subsequent offence,
29 by such fine and imprisonment not exceeding six months;
30 and the said county treasurer shall on the first day of June
31 and the first day of December of each year, transmit such
32 fines and costs, after deducting the costs and pay for any
33 prisoners' board boarded in the jail in his said county for any
34 violation of the inland fish and game laws, to the treasurer
35 of the State; and said sums of money thus received by the
36 State treasurer shall be and become a part of the fund for
37 inland fish and game.'

Sect. 8. Chapter 30 of the Revised Statutes is hereby further amended by adding thereto the following section:

‘Section 29. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of the inland fish and game laws; fish wardens may be appointed inland fish and game wardens and need not give additional bond.’

Sect. 9. Chapter 30 of the Revised Statutes is hereby further amended by adding thereto the following section:

‘Section 30. Whoever lawfully kills a bull moose shall, while the same is being transported, or any part thereof, preserve and transport it, with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit the moose, or part thereof being transported, to the State and pay a fine of three hundred dollars and costs of prosecution.’

Sect. 10. Chapter 30 of the Revised Statutes is hereby further amended by adding thereto the following section:

‘Section 31. Any market man or provision dealer, having an established place of business in this State, may purchase and have in his possession at his said place of business not more than three deer, lawfully killed or destroyed, or any part thereof, at one time, and sell the same at retail to his local customers.

‘Provided, however, that said market man or provision dealer, shall have procured a license of the commissioners of inland fisheries and game to carry on said business of buying and selling deer as aforesaid; and provided, further, that said market man shall record in a book kept for that purpose, and open to the inspection of inland fish and game wardens and the commissioners of inland fisheries and game, the

16 name and residence of each person of whom he purchases
17 any inland fish or game, and the date of such purchase; and
18 if any market man or provision dealer shall violate the pro-
19 visions of this section he shall be fined five hundred dollars
20 for each offence, and be prohibited for five years thereafter
21 from the benefits of this section.'

Sect. 11. Chapter 30 of the Revised Statutes is hereby fur-
2 ther amended by adding thereto the following section:

'Section 32. Any person may, at any time, lawfully kill,
4 any dog found hunting or chasing a moose or a caribou or
5 a deer, or kept or used for that purpose.

'Any person owning or having in his possession any dog
7 for the purpose of hunting or chasing moose, caribou or
8 deer, or permits his dog to hunt or chase a moose, caribou
9 or deer, shall be punished by a fine of one hundred dollars
10 and costs for each offence.'

Sect. 12. Chapter 30 of the Revised Statutes is hereby fur-
2 ther amended by adding thereto the following section:

'Section 33. Having in possession any jack light, so called,
4 spear, trawl or net other than a dip net, in any camp, lodge
5 or place or resort for hunters or fishermen in the inland ter-
6 ritory of the State, shall be prima facie evidence that the
7 same are kept for unlawful use, and they may be seized by
8 any officer authorized to enforce the inland fish and game
9 laws, and whoever is convicted of having any of the above
10 named implements in his possession unlawfully as afore-
11 said, shall be fined fifty dollars and costs of prosecution.'

Sect. 13. Chapter 30 of the Revised Statutes is hereby
2 further amended by adding thereto the following section:

'Section 34. It shall be unlawful to use in hunting for or
4 shooting any moose, caribou or deer, any metal patched or

5 metal cased bullet, under a penalty of fifty dollars for each
6 offence. The expansive, or mushroom bullet, so called, is
7 hereby excepted from the provisions of this section.'

Sect. 14. Chapter 30 of the Revised Statutes is hereby
2 further amended by adding thereto the following section:

'Section 35. No resident of this State shall sell, or give
4 away, any moose, or part thereof, or any deer, or part
5 thereof, or any caribou, or part thereof, to be transported
6 or carried beyond the limits of this State, under a penalty of
7 one hundred dollars for each and every moose, deer or cari-
8 bou, or part thereof, so sold or given away; and any person
9 who shall buy any of the aforesaid named animals, or part
10 thereof, to so transport them, or who shall transport them
11 after buying the same, or receiving the same as a gift, shall
12 be subject to the same penalties.'

Sect. 15. Section 47 of chapter 40 of the Revised Statutes,
2 is hereby amended by striking out the words "black bass"
3 and "Oswego bass" in the second and seventh lines, and all
4 after the word "first" in the eighth line, and adding the
5 words, 'day of October and the fifteenth day of the following
6 June,' so that said section as amended shall read as follows:

'Section 47. There shall be an annual close time for land-
8 locked salmon, commonly so called, trout, togue and white
9 perch, as follows, viz.: For land-locked salmon, trout,
10 togue and white perch, between the first days of October
11 and the following May, except on the St. Croix river and its
12 tributaries, and all the waters in Kennebec county, in which
13 the close time is between the fifteenth day of September and
14 the first day of the following May.'

Sect. 16. Section 48 of chapter 40 of the Revised Statutes, as amended by chapter 53 of the Public Laws of 1887, is hereby amended so as to read as follows:

‘Section 48. No person shall take, catch or fish for, in any manner, any land-locked salmon, trout, togue or white perch, in any of the waters aforesaid, between the first day of October and the first day of the following May, nor in the St. Croix river and its tributaries, between the fifteenth day of September and the first day of the following May; under a penalty of not less than ten nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken or killed; provided, however, that during February, March and April, citizens of the State may fish for and take land-locked salmon, trout, togue and white perch and convey the same to their own homes, but not otherwise.’

Sect. 17. Section 49 of chapter 40 of the Revised Statutes is hereby amended so as to read as follows:

‘Section 49. No person shall sell, expose for sale, or have in possession with intent to sell, or transport from place to place, any land-locked salmon, trout, togue or white perch between the first day of October and the first day of the following May; under a penalty of not less than ten nor more than fifty dollars for each offence.’

Sect. 18. Section 50 of chapter 40 of the Revised Statutes is hereby amended so as to read as follows:

‘Section 50. Any person having in possession, except alive, any land-locked salmon, trout, togue or white perch, between the first day of October and the first day of the following May, or who transports from place to place within the State, any land-locked salmon, trout, togue or white perch, between the first day of October and the first day of

9 the following May, shall be deemed to have killed, caught,
10 or transported the same contrary to law, and be liable to
11 the penalties aforesaid.'

Sect. 19. Section 51 of chapter 40 of the Revised Statutes,
2 as amended by chapter 9 of the Public Laws of 1895, is
3 hereby amended so as to read as follows:

'Section 51. Whoever fishes for, takes, catches, kills or
5 destroys any fish, with fish spawn, grapnel, spear, trawl,
6 weir, seine, trap or set lines, except when fishing on the ice,
7 and then with not more than five set lines in the day time,
8 except in tide waters where such methods are not prohibited,
9 or with any device or in any other way than by the ordinary
10 mode of angling with single baited hooks and lines, or with
11 artificial flies, artificial minnows, artificial insects, or spoon
12 hook, so called, forfeits \$25.00 for the offence, and ten dol-
13 lars for each salmon or land-locked salmon, and one dollars
14 for each and every other fish so taken, caught, killed or
15 destroyed; and when such prohibited implements or devices
16 are found in use or possession they are forfeit and contra-
17 band, and any person finding them in use may destroy them.
18 Provided, it shall be lawful to fish for and take cusk in the
19 night time with five set lines.'

Sect. 20. Section 54 of chapter 40 of the Revised Statutes,
2 as amended by chapter 31 of the Public Laws of 1895, is
3 hereby amended so as to read as follows:

'Section 54. No person shall take, catch, kill or have in
5 possession at any one time more than twenty-five pounds
6 of land-locked salmon, trout or white perch, in all, nor shall
7 any such be transported, except in the possession of the
8 owner thereof, plainly labelled with the owner's name and
9 residence thereon, under a penalty of \$50.00 for each offence,

10 and \$5.00 for every pound of land-locked salmon, trout or
11 white perch so taken, caught, killed or had in possession,
12 or being transported, in excess of twenty-five pounds, and
13 all such fish transported in violation of this section may be
14 seized, and shall be forfeited to the prosecutor.

‘Whoever has in his possession more than twenty-five
16 pounds, in all, of such fish, shall be deemed to have taken
17 them in violation of this section. Provided, however, that
18 the taking of one fish additional when having less than
19 twenty-five pounds shall not be regarded as a violation of
20 the law.’

Sect. 21. Chapter 40 of the Revised Statutes is hereby
2 further amended by adding thereto the following section:

‘Section 83. The commissioners of inland fisheries and
4 game upon petition of ten or more tax payers, residents in
5 the locality, may adopt such needful rules and regulations,
6 not contrary to the general laws of the State, as may be
7 necessary to prevent the interference with, or the destruc-
8 tion of the spawning beds, feeding troughs, or artificial
9 ponds of land-locked salmon or trout; and notice of the
10 hearing on such petition, and the adoption of any such rules
11 and regulations shall be given as provided in section 76,
12 chapter 40. The penalty for the willful violation of any of
13 such rules and regulations shall be fifty dollars for each
14 offense.’

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 19, 1897.

Reported by Mr. DURGIN of Orono, from Committee on Inland Fish-
eries and Game, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*