

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 166

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to extend the close time on caribou and amend chapter 32 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. The provisions of section eighteen of chapter 2 thirty-two of the Revised Statutes relating to a close time on 3 caribou are hereby extended for six years from October 15th, 4 A. D. 1905.

Sect. 2. Section nineteen of chapter 32 of the Revised 2 Statutes is hereby amended as follows: By striking out the 3 words "not less than five hundred nor more than one thou- 4 sand" in the second, third and eleventh lines of said section 5 and inserting instead thereof the words 'not exceeding five 6 hundred,' and by adding to said section the following: 'The 7 provisions of section sixty-one of chapter forty-one of the

8 Revised Statutes, relating to the powers of the commissioner
9 of sea and shore fisheries, are hereby extended to the com-
'10 missioners of inland fisheries and game,' so that said section,
11 as amended, shall read as follows:

'Section nineteen. Whoever violates any provision of sec-
13 tion 'sixteen of this chapter, shall be punished by a fine of
14 not exceeding five hundred dollars, or by imprisonment not
15 exceeding four months; whoever violates any provision of
16 section seventeen of this chapter, shall be punished by a fine
17 of forty dollars and costs for each deer taken, caught, killed
18 or had in possession in violation of the provisions of section
19 seventeen of said chapter; whoever violates any provision of
20 section eighteen of this chapter relating to deer, shall be pun-
21 ished by a fine of forty dollars and costs; and whoever vio-
22 lates any provision of section eighteen of this chapter, relat-
23 ing to moose or caribou, shall be punished by a fine of not
24 exceeding five hundred dollars, or by imprisonment not
25 exceeding four months. The provisions of section sixty-one
26 of chapter forty-one of the Revised Statutes, relating to the
27 powers of the commissioner of sea and shore fisheries, are
28 hereby extended to the commissioners of inland fisheries and
29 game.'

Sect. 3. Section twenty of said chapter is hereby amended
2 by striking out the words "with intent to camp and kindle"
3 in the second line of said section and inserting instead thereof
4 the words 'and camp or kindle,' and by striking out the words
5 "take, catch or kill any deer or moose or," in the seventh
6 line thereof, and by striking out the words "with intent to
7 camp and kindle" in the eighth line of said section and insert-
8 ing instead thereof the words 'and camps or kindles,' so that
9 section, as amended, shall read as follows:

'Sect. 20. Non-residents of the State shall not enter upon
11 the wild lands of the State and camp or kindle fires thereon,
12 while engaged in hunting or fishing, without being in charge

13 of a registered guide, during the months of May, June, July,
14 August, September, October and November, and no regis-
15 tered guide shall, at the same time, guide, or be employed by,
16 more than five non-residents in hunting.

Any such non-resident who shall enter upon the wild lands
18 in the State and camps or kindles fires thereon, while engaged
19 in hunting or fishing without being in charge of a registered
20 guide, during the months of May, June, July, August, Sep-
21 tember, October and November, in violation of the provisions
22 herein contained, or any guide who shall guide at the same
23 time, or be employed by, at the same time, more than five
24 non-residents in hunting, shall be fined \$40.00 and costs for
25 each offense and be subject to imprisonment for thirty days.'

Sect. 4. Section seventeen of chapter thirty-two of the
2 Revised Statutes is hereby amended as follows by adding
3 thereto the following:

'Provided, however, that if a deer or a partridge is found
5 doing actual, substantial damage to any cultivated orchard or
6 growing cultivated crops, the owner or occupant of said
7 orchard, and the cultivator of growing cultivated crops may
8 kill the same, and may consume the same in his own family
9 but not otherwise, but he shall not pursue the same beyond
10 the limits of his cultivated land in which the damage is being
11 done.

Provided, however, that whoever kills a deer in accordance
13 with the provisions herein contained shall forthwith give
14 notice in writing to the commissioners of inland fisheries and
15 game, at Augusta, Maine, of the fact of such killing and the
16 character and estimated amount of damage done. Whoever
17 fails to give such notice shall in no wise be protected by the
18 provisions hereof.

And provided, further, that whoever shall cultivate any
20 crops for the manifest purpose of killing deer under the pro-

21 visions of this act shall in no wise be protected thereby; and
22 provided, further, that it shall be unlawful to place any salt
23 in any place for the purpose of enticing deer thereto, under
24 a penalty of one hundred dollars and costs; and provided,
25 further, that whoever shoots any deer in accordance with the
26 provisions herein contained shall not be entitled to receive
27 any compensation for any damage done his crops by deer;
28 and provided, further, that whoever kills any deer or part-
29 ridge in accordance with the provisions herein contained
30 shall not be entitled to shoot or kill any deer or partridge in
31 the open season for deer and partridge of the year in which
32 he has killed one or more deer or partridge while doing
33 damage to his crops.'

Sect. 5. Section twenty-eight of chapter thirty-two of the
2 Revised Statutes is hereby amended by striking out the word
3 "person" in the first line of said section and inserting instead
4 thereof the words 'resident of this State,' and by inserting
5 after the word "birds" in the ninth line of said section the
6 words 'and any non-resident may send fish and game birds
7 to his home as above provided for residents' and by adding
8 thereto the following:

'Provided, however, that no one person shall be permitted
10 to ship, as provided in this section, more than one ten-pound
11 box of trout, togue or landlocked salmon in thirty days,' so
12 that said section, as amended, shall read as follows:

'Sect. 28. Any resident of this State who has lawfully
14 killed a bull moose or a deer, or who has lawfully in his pos-
15 session one trout, one togue, one landlocked salmon or one
16 white perch, or ten pounds of either kind of these fish, or
17 one pair of game birds, may send the same to his home or
18 to any hospital in the State, without accompanying the same,
19 by purchasing of the duly constituted agent therefor a tag,
20 paying for a moose five dollars, for a deer two dollars, for

21 a trout, togue, or landlocked salmon one dollar, or one dollar
 22 for each ten pounds of the same, and fifty cents for one white
 23 perch or ten pounds of the same, and fifty cents for a pair of
 24 game birds. And any non-resident may send fish and game
 25 birds to his home as above provided for residents. The com-
 26 missioners of inland fisheries and game may appoint agents
 27 in convenient localities who may sell these tags under such
 28 rules and regulations as the commissioners may adopt. Said
 29 tags shall be substantially as follows:

30 'STATE OF MAINE.
 31 DEPARTMENT OF INLAND FISHERIES AND GAME.
 32 LICENSE TO SHIP GAME, GAME BIRDS OR FISH.
 33 No..... AUGUSTA, MAINE, 190
 34 This certifies that.....of.....is
 35 authorized to ship to his home in....., or to.....,
 36 a patient in the.....hospital, the following described
 37 game, game birds or fish.....by having this tag
 38 attached thereto. Not transferable.
 39 Signature of licensee.....
 40 *Commissioners.*

42 Provided, however, that no one person shall be permitted
 43 to ship, as provided in this section, more than one ten-pound
 44 box of trout, togue or landlocked salmon oftener than once
 in thirty days.'

 Sect. 6. Section 22 of said chapter is hereby amended as
 2 follows: By inserting after the word "deer" in the third line
 3 of said section the words 'or ducks, partridges, woodcock,
 4 or other birds or wild animals,' and by inserting after the
 5 word "dollars" in the sixth line the words 'to hunt bull moose,
 6 deer, ducks, partridges, woodcock and other birds and wild
 7 animals during their respective open seasons in October and
 8 November. But to hunt ducks, partridges, woodcock, and
 9 other birds and wild animals during their respective open

10 seasons prior to October first, a license fee of five dollars
11 shall be paid annually. A person having paid the fee of five
12 dollars may procure a license to hunt bull moose and deer
13 by paying ten dollars additional. Such license shall entitle
14 the purchaser to take to his home, in addition as now pro-
15 vided, properly tagged with the tag detached from his license
16 and open to view, ten partridges, or ten ducks, or ten wood-
17 cock that he has himself lawfully killed,' so that the first five
18 lines of said section, and as far as the word "dollars" in the
19 sixth line thereof, as amended, shall read as follows:

'Sect. 22. Persons not bona fide residents of the State, and
21 actually domiciled therein, shall not hunt, pursue, take or
22 kill any bull moose or deer, or ducks, partridges, woodcock,
23 or other birds or wild animals at any time without having
24 first procured a license therefor as hereinafter provided.
25 Such licenses shall be issued by the commissioners of inland
26 fisheries and game, upon application in writing and payment
27 of fifteen dollars to hunt bull moose, deer, ducks, partridges,
28 woodcock and other birds and wild animals during their
29 respective open seasons in October and November. But to
30 hunt ducks, partridges, woodcock and other birds and wild
31 animals, during their respective open seasons prior to Octo-
32 ber first, a license fee of five dollars shall be paid annually.
33 A person having paid the fee of five dollars may procure a
34 license to hunt bull moose and deer by paying ten dollars
35 additional. Such license shall entitle the purchaser to take
36 to his home, in addition as now provided, properly tagged
37 with the tag detached from his license, ten partridges, or ten
38 ducks or ten woodcock that he has himself lawfully killed.'

Sect. 7. Section thirty-four of said chapter is hereby
2 amended by inserting after the word "commissioners" in the
3 fifth line of said section the words 'one of whom shall be
4 appointed and commissioned as chairman,' so that said sec-
5 tion, as amended, shall read as follows:

‘Sect. 34. The governor, with the advice and consent of
7 the council, shall appoint three persons to be commissioners
8 of inland fisheries and game, one of whom shall be the land
9 agent of the State and shall hold the office so long as he shall
10 continue to be land agent; the other two commissioners, one
11 of whom shall be appointed and commissioned as chairman,
12 shall hold their offices for three years, and until their succes-
13 sors are appointed and qualified. Said commissioners shall
14 be provided with an office in the State capitol, with suitable
15 furniture, stationery, and other facilities for the transaction
16 of the business of the department, and they may appoint a
17 clerk.’

Sect. 8. Section 16 of chapter 32 of the Revised Statutes
2 is hereby amended by inserting the words ‘each of’ between
3 the words “to” and “their” in the fourth line thereof, and
4 by striking out the words “the first day of December and
5 the fifteenth day of October” in the fifth and sixth lines and
6 inserting instead thereof the words ‘the tenth day of Novem-
7 ber and the first day of October,’ and by striking out the
8 words “October fifteenth and December first” in the seventh
9 and eighth lines and inserting instead thereof the words
10 ‘October first and November tenth,’ so that said section, as
11 amended, shall read as follows:

‘Sect. 16. No person shall at any time hunt, catch, kill,
13 destroy or have in possession any cow or calf moose; and
14 the term “calf moose” as herein used, shall be construed to
15 mean that these animals are calves until they are at least one
16 year old, and have at least two prongs or tines to each of their
17 horns. No person shall, between the tenth day of November
18 and the first day of October, hunt, take, catch, or kill or have
19 in possession any bull moose or part thereof, and no person
20 shall, between October first and November tenth, take, catch,
21 kill or have in possession more than one bull moose or part
22 thereof.’

Sect. 9. Section seventeen of chapter thirty-two of the Revised Statutes is hereby amended as follows:

Strike out the word "fifteenth" in the fourth and fifth lines of said section, and insert instead thereof the word 'first,' and by adding the words 'but one of which shall be a doe,' after the word "deer" in the seventh line, so that said section, as amended, shall read as follows:

'Sect. 17. No person shall, except as hereinafter provided, hunt, take, catch, kill, or have in possession for any purpose, whenever or wherever taken, caught or killed, any deer, or part thereof, between December first and October first next following; no person shall between October first and December first next following, except as hereinafter provided, take, catch, kill or have in possession for any purpose, whenever or wherever taken, caught or killed, more than two deer, but one of which shall be a doe, or parts thereof; a person lawfully killing a deer in open season shall have a reasonable time in which to transport the same to his home, and may have the same in possession at his home in close season.'

Sect. 10. Section 30 of said chapter is hereby amended as follows: By inserting after the word "skins" in the second line the words 'and the skins of all other wild animals and the heads of the same if not detached from the skins,' and by striking out the word "deer" in the third line and inserting instead thereof the words 'such heads and,' and by substituting the word 'ten' for the word "five" in the fifth line, and by adding at the end of the section the words 'whoever buys such skins and heads without being licensed as above provided shall be punished by a fine of \$100.00 and costs,' so that said section, as amended, shall read as follows:

'Sect. 30. The commissioners may annually issue licenses to suitable persons to buy and sell or tan deer skins and the skins of all other wild animals lawfully taken, and the heads of the same if not detached from the skins. Such persons

16 shall keep a record of all such skins purchased, of whom pur-
17 chased and the date of purchase, and shall report annually
18 to the commissioners. The fee for such license shall be ten
19 dollars, to be paid to the commissioners and by them to the
20 treasurer of State; and whoever, licensed as aforesaid, unrea-
21 sonably and wilfully refuses to make such report, shall be
22 punished by a fine of \$100.00 and costs. Whoever buys such
23 skins and heads without being licensed as above provided
24 shall be punished by a fine of \$100.00 and costs.'

Sect. 11. Paragraph 5 of section 3 of chapter 407 of the
2 Private and Special Laws of 1903 is hereby amended by
3 inserting after the word "day" in the sixth line of said para-
4 graph the words 'by one person.'

Sect. 12. Section 3 of chapter 32 of the Revised Statutes
2 is hereby amended by adding thereto the following words:

'And no person shall sell any trout, landlocked salmon,
4 white perch or togue that he has not himself lawfully caught,
5 under a penalty of not less than ten nor more than \$30.00.
6 and costs, and \$1.00 additional for each fish sold in violation
7 of this section.'

Sect. 13. Chapter 32 of the Revised Statutes is hereby
2 amended by adding thereto the following section:

'Sect. 60. Whenever a resident of this State has lawfully
4 killed a deer or a bull moose he shall, before taking the same
5 or part thereof outside the limits of the State, procure a
6 license therefor of the commissioners of inland fisheries and
7 game, paying therefor for a deer \$5.00 and for a bull moose
8 \$10.00, to be expended for the protection of game.

Whoever violates any of the provisions of this section shall
10 be punished by a fine of \$100.00 and costs.'

Sect. 14. Section 29 of chapter 32 of the Revised Statutes
2 is hereby amended by inserting after the word "customers"
3 in the fifth line thereof the words 'and may sell the heads of
4 such deer to any licensed taxidermist,' so that the first four

5 lines of said section and as far as the word "provided" in the
6 fifth line thereof, as amended, shall read as follows:

'Sect. 29. Any marketman or provision dealer, having an
8 established place of business in the State, may purchase and
9 have in his possession at his said place of business not more
10 than three deer, lawfully killed or destroyed, or any part
11 thereof, at one time, and may sell the same at retail to his
12 local customers, and may sell the heads of such deer to any
13 licensed taxidermist.'

Sect. 15. Section one of chapter 32 is hereby amended as
2 follows: By striking out the words "provided, however,
3 that any person lawfully trolling for trout, landlocked salmon
4 or togue, in good faith, who shall accidentally hook or catch
5 a white perch may lawfully keep the same, and" in the six-
6 teenth, seventeenth, eighteenth and nineteenth lines of said
7 section, so that said section, as amended, shall read as fol-
8 lows:

'Sect. 1. There shall be an annual close time for landlocked
10 salmon, trout, togue and white perch, as follows: For land-
11 locked salmon, trout and togue, from the first day of October
12 until the ice is out of the pond, lake or river fished, in the
13 following spring of each year, except on the Saint Croix river
14 and its tributaries, and on all the waters of Kennebec county,
15 in which the close time shall be from the fifteenth day of
16 September until the ice is out of the ponds and lakes the fol-
17 lowing spring, and in Franklin county, in which the close
18 time shall be from October first to May first, and except
19 Sebago lake, in Cumberland county, on which the close time
20 shall be from October first to April first, and except Wilson
21 pond in Wilton, in Franklin county, on which the close time
22 shall be from October first until the ice is out of said lake
23 the following spring; but for white perch, the close time shall
24 be from the first day of April to the first day of July; no per-
25 son shall take, catch, kill or fish for, in any manner, any land-

26 locked salmon, trout, togue or white perch in any of the
27 waters of this State or have the same in possession in close
28 time; provided, that during February, March and April, citi-
29 zens of the State may fish for and take landlocked salmon,
30 trout and togue, with not more than five set lines for each
31 family, when fishing through the ice in the day time, and
32 when under the immediate personal superintendence of the
33 person fishing, and may convey them to their own homes for
34 consumption therein, but not otherwise; but no citizen of the
35 State during this time shall be permitted to catch more than
36 twenty pounds, or one fish, of landlocked salmon or trout,
37 or more than forty pounds, or one fish, of togue in any one
38 day.

Whoever violates any provision of this section shall be sub-
40 ject to a penalty of not less than ten, nor more than thirty
41 dollars for each offense, and one dollar additional for every
42 fish caught, taken or killed in violation of any provision of
43 this section.'

Sect. 16. Chapter 32 of the Revised Statutes is hereby fur-
2 ther amended by adding thereto the following section:

'Sect. 61. In addition to the wild birds that may be killed
4 at any time the following shall be included: Mud-hens and
5 blue-herons, so called.

It shall be unlawful to kill an eagle or vulture at any time.'

Sect. 17. All acts or parts of acts inconsistent with this act
2 are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, February 16, 1905.

Tabled pending reference to Committee on Inland Fisheries and Game
in concurrence by Mr. BYRON of Phillips and ordered printed.

E. M. THOMPSON, *Clerk.*