

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 69

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

8 the Revised Statutes, relating to the powers of the commis-
9 sioner of sea and shore fisheries, are hereby extended to the
10 commissioners of inland fisheries and game,' so that said sec-
11 tion, 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 not
14 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" in
3 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 line
6 thereof, and by striking out the words "with intent to camp
7 and kindle" in the eighth line of said section and inserting
8 instead thereof the words 'and camps or kindles,' so that sec-
9 tion, as amended, shall read as follows:

'Section 20. Non-residents of the State shall not enter
11 upon the wild lands of the State and camp or kindle fires

12 thereon, while engaged in hunting or fishing, without being
13 in charge of a registered guide, during the months of May,
14 June, July, August, September, October and November, and
15 no registered guide shall, at the same time guide, or be
16 employed by, 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 30 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 par-
29 tridge 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 "dollar" in the seventh line of said section the
6 words 'and fifty cents,' and by inserting after the word "dol-
7 lar" in the eighth line of said section the words 'and fifty
8 cents,' and by striking out the word "fifty" in the ninth line
9 of said section and inserting instead thereof the words
10 'seventy-five,' and by inserting after the word "birds" in the
11 ninth line of said section the words 'and any non-resident
12 may send fish and game birds to his home as above provided
13 for residents,' so that said section, as amended, shall read as
14 follows:

'Section twenty-eight. Any resident of this State who has
16 lawfully killed a bull moose or a deer, or who has lawfully in
17 his possession one trout, one togue, one landlocked salmon or
18 one white perch, or ten pounds of either kind of these fish, or
19 one pair of game birds, may send the same to his home or to
20 any hospital in the State, without accompanying the same, by
21 purchasing of the duly constituted agent therefor a tag, pay-

22 ing for a moose five dollars, for a deer two dollars, for a
 23 trout, togue or landlocked salmon one dollar and fifty cents
 24 for each, or one dollar and fifty cents for each ten pounds of
 25 the same, and fifty cents for one white perch or ten pounds
 26 of the same, and seventy-five cents for a pair of game birds.
 27 And any non-resident may send fish and game birds to his
 28 home as above provided for residents. The commissioners
 29 of inland fisheries and game may appoint agents in con-
 30 venient localities who may sell these tags under such rules
 31 and regulations : the commissioners may adopt. Said tags
 32 shall be substant ly as follows :

33 STATE OF MAINE.

34 Department of Inland Fisheries and Game.
 35 License to ship game, game birds or fish.
 36 No.....

37 AUGUSTA, MAINE, 190

38 This certifies that.....of.....is authorized to
 39 ship to his home in....., or to....., a patient in the
 40hospital, the following described game, game
 41 birds or fish.....by having this tag attached thereto.
 42 Not transferable.

Signature of licensee.....

Commissioners.'

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

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

'Section 22. Persons not bona fide residents of the State,
22 and actually domiciled therein, shall not hunt, pursue, take or
23 kill any bull moose or deer, or ducks, partridges, woodcock,
24 or other birds or wild animals at any time without having
25 first procured a license therefor as hereinafter provided.
26 Such licenses shall be issued by the commissioners of inland
27 fisheries and game, upon application in writing and payment
28 of fifteen dollars to hunt bull moose, deer, ducks, partridges,
29 woodcock and other birds and wild animals during their
30 respective open seasons in October and November. But to
31 hunt ducks, partridges, woodcock and other birds and wild
32 animals, during their respective open seasons prior to Octo-
33 ber first, a license fee of five dollars shall be paid annually.
34 A person having paid the fee of five dollars may procure a
35 license to hunt bull moose and deer by paying ten dollars
36 additional. Such license shall entitle the purchaser to take
37 to his home, in addition as now provided, properly tagged
38 with the tag detached from his license, ten partridges, or ten
39 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 :

'Section thirty-four. The governor, with the advice and
7 consent of the council, shall appoint three persons to be com-
8 missioners of inland fisheries and game, one of whom shall
9 be the land agent of the State and shall hold the office so long
10 as he shall continue to be land agent ; the other two commis-
11 sioners, one of whom shall be appointed and commissioned
12 as chairman, shall hold their offices for three years, and until
13 their successors are appointed and qualified. Said commis-
14 sioners shall be provided with an office in the State capitol,
15 with suitable furniture, stationery, and other facilities for the
16 transaction of the business of the department, and they may
17 appoint a 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 by
4 striking out the words "the first day of December and the
5 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 :

'Section 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
17 their horns. No person shall, between the tenth day of
18 November and the first day of October, hunt, take, catch, or
19 kill or have in possession any bull moose or part thereof and
20 no person shall, between October first and November tenth,

21 take, catch, kill or have in possession more than one bull
22 moose or part thereof.'

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

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

'Section 17. No person shall, except as hereinafter pro-
9 vided, hunt, take, catch, kill, or have in possession for any
10 purpose, whenever or wherever taken, caught or killed, any
11 deer, or part thereof, between December first and October
12 first next following; no person shall between October first
13 and December first next following, except as hereinafter
14 provided, take, catch, kill or have in possession for any pur-
15 pose, whenever or wherever taken, caught or killed, more
16 than two deer, but one of which shall be a doe, or parts
17 thereof; a person lawfully killing a deer in open season shall
18 have a reasonable time in which to transport the same to his
19 home, and may have the same in possession at his home in
20 close season.'

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

'Section 30. The commissioners may annually issue licenses
13 to suitable persons to buy and sell or tan deer skins and the
14 skins of all other wild animals lawfully taken, and the heads
15 of the same if not detached from the skins. Such persons
16 shall keep a record of all such skins purchased, of whom
17 purchased 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, white
4 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:

'Section 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" in
3 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:

'Section 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, that
3 any person lawfully trolling for trout, landlocked salmon or
4 togue, in good faith, who shall accidentally hook or catch a
5 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:

'Section one. There shall be an annual close time for land-
10 locked salmon, trout, togue and white perch, as follows: For
11 landlocked salmon, trout and togue, from the first day of
12 October until the ice is out of the pond, lake or river fished,
13 in the following spring of each year, except on the Saint
14 Croix river and its tributaries, and on all the waters of Ken-
15 nebec county, in which the close time shall be from the fif-
16 teenth day of September until the ice is out of the ponds and
17 lakes the following spring, and in Franklin county in which
18 the close time shall be from October first to May first, and

19 except Sebago lake, in Cumberland county, on which the
20 close time shall be from October first to April first, and except
21 Wilson pond in Wilton, in Franklin county, on which the
22 close time shall be from October first until the ice is out of
23 said lake the following spring; but for white perch, the close
24 time shall be from the first day of April to the first day of
25 July; no person shall take, catch, kill or fish for, in any man-
26 ner, any landlocked salmon, trout, togue or white perch in
27 any of the waters of this State or have the same in posses-
28 sion, in close time; provided, that during February, March
29 and April, citizens of the State may fish for and take land-
30 locked salmon, trout and togue, with not more than five set
31 lines for each family, when fishing through the ice in the day
32 time, and when under the immediate personal superintend-
33 ence of the person fishing, and may convey them to their
34 own homes for consumption therein, but not otherwise; but
35 no citizen of the State during this time shall be permitted to
36 catch more than twenty pounds, or one fish, of landlocked
37 salmon or trout, or more than forty pounds, or one fish, of
38 togue in any one 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
2 further amended by adding thereto the following section:

'Section 61. In addition to the wild birds that may be killed
4 at any time the following shall be included: Loons, mud-
5 hens, blue-herons, so-called, red-throated divers and shel-
6 drakes.

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.

IN SENATE, February 9, 1905.

Presented by Mr. FURBISH, of Franklin and pending reference to the Committee on Inland Fisheries and Game, laid on table to be printed, on motion by Mr. PUTNAM of Aroostook.

KENDALL M. DUNBAR, *Secretary.*