

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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SENATE.

No. 217

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## STATE OF MAINE.

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

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AN ACT to extend the close time on caribou and amend chapter  
32 of the Revised Statutes relating to inland fisheries and  
game.

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*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 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 relating  
23 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  
5 words "take, catch or kill any deer or moose or" in the  
6 seventh line thereof, and by striking out the words "with  
7 intent to camp and kindle" in the eighth line of said section  
8 and inserting instead thereof the words 'and camps or

9 kindles,' so that said section, as amended, shall read as  
10 follows:

'Section 20. Non-residents of the State shall not enter  
12 upon the wild lands of the State and camp or kindle fires  
13 thereon while engaged in hunting or fishing, without being in  
14 charge of a registered guide, during the months of May,  
15 June, July, August, September, October and November, and  
16 no registered guide shall, at the same time, guide, or be  
17 employed by, more than five non-residents in hunting.

Any such non-resident who shall enter upon the wild lands  
19 in the State and camps or kindles fires thereon, while engaged  
20 in hunting or fishing without being in charge of a registered  
21 guide, during the months of May, June, July, August, Sep-  
22 tember, October and November, in violation of the provisions  
23 herein contained, or any guide who shall guide at the same  
24 time, or be employed by, at the same time, more than five  
25 non-residents in hunting, shall be fined \$40 and costs for each  
26 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 is  
4 found doing actual, substantial damage to any growing culti-  
5 vated crops, the cultivator of growing cultivated crops may  
6 kill the same, and may consume the same in his own family  
7 but not otherwise, but he shall not pursue the same beyond  
8 the limits of his cultivated land in which the damage is being  
9 done.

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

And provided, further, that whoever shall cultivate any  
18 crops for the manifest purpose of killing deer under the  
19 provisions of this act shall in no wise be protected thereby;  
20 and provided, further, that it shall be unlawful to place any  
21 salt in any place for the purpose of enticing deer thereto,  
22 under a penalty of one hundred dollars and costs; and pro-  
23 vided, further, that whoever shoots any deer in accordance  
24 with the provisions herein contained shall not be entitled to  
25 receive any compensation for any damage done his crops by  
26 deer.'

Sect. 5. Section 22 of said chapter is hereby amended as  
2 follows: By inserting after the word "deer" in the third  
3 line of said section the words 'or ducks, partridges, wood-  
4 cock or other birds or wild animals,' and by inserting after  
5 the word "dollars" in the sixth line the words 'to hunt bull  
6 moose, deer, ducks, partridges, woodcock, and other birds  
7 and wild animals during their respective open seasons in  
8 October, November and December. But to hunt ducks, par-  
9 tridges, woodcock, and other birds and wild animals during  
10 their respective open seasons prior to October first, a license  
11 fee of five dollars shall be paid annually. A person having  
12 paid 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 addi-  
15 tion as now provided, properly tagged with the tag detached  
16 from his license and open to view, ten partridges, ten ducks  
17 and ten woodcock that he has himself lawfully killed,' so that  
18 the first five lines of said section, and as far as the word  
19 "dollars" in the sixth line thereof, as amended, shall read as  
20 follows:

'Section 22. Persons not bona fide residents of the State,  
22 and actually domiciled therein, shall not hunt, pursue, take  
23 or kill any bull moose or deer, or ducks, partridges, wood-  
24 cock or other birds or wild animals at any time without hav-

25 ing 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, November and December.  
31 But to hunt ducks, partridges, woodcock and other birds and  
32 wild animals, during their respective open seasons prior to  
33 October first, a license fee of five dollars shall be paid annu-  
34 ally. A person having paid the fee of five dollars may pro-  
35 cure a license to hunt bull moose and deer by paying ten  
36 dollars additional. Such license shall entitle the purchaser  
37 to take to his home, in addition as now provided, properly  
38 tagged with the tag detached from his license, and open to  
39 view, ten partridges, ten ducks and ten woodcock that he has  
40 himself lawfully killed.'

Sect. 6. Section sixteen of chapter 32 of the Revised Stat-  
2 utes is hereby amended by inserting the words 'each of'  
3 between the words "to" and "their" in the fourth line thereof,  
4 and by inserting the words 'not less than three inches long,'  
5 after the word "tines" in the fourth line thereof, so that said  
6 section, as amended, shall read as follows:

'Section 16. No person shall at any time hunt, catch, kill,  
8 destroy or have in possession any cow or calf moose; and the  
9 term "calf moose" as herein used, shall be construed to mean  
10 that these animals are calves until they are at least one year  
11 old, and have at least two prongs or tines not less than three  
12 inches long to each of their horns. No person shall, between  
13 the first day of December and the fifteenth day of October,  
14 hunt, take, catch or kill, or have in possession any bull moose  
15 or part thereof; and no person shall, between October fif-  
16 teenth and December first, take, catch, kill or have in posses-  
17 sion more than one bull moose or part thereof.'

Sect. 7. 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 deer 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 inserting after the word "dollars" in the fifth line the words 'for a county license and ten dollars for a State license,' 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:

'Section 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 deer if not detached from the skins. Such persons shall keep a record of all such heads and skins purchased, of whom purchased and the date of purchase, and shall report annually to the commissioners. The fee for such license shall be five dollars for a county license and ten dollars for a State license, to be paid to the commissioners and by them to the treasurer of State; and whoever, licensed as aforesaid, unreasonably and wilfully refuses to make such report, shall be punished by a fine of \$100.00 and costs. Whoever buys such skins and heads without being licensed as above provided shall be punished by a fine of \$100.00 and costs.

Sect. 8. Paragraph 5 of section 3 of chapter 407 of the private and special laws of 1903 is hereby amended by inserting after the word "day" in the sixth line of said paragraph the words 'by one person.'

Sect. 9. Chapter 32 of the Revised Statutes is hereby amended by adding thereto the following section:

‘Section 60. Whenever a resident of this State has law-  
4 fully killed a bull moose he shall, before taking the same or  
5 part thereof outside the limits of the State, procure a license  
6 therefor of the commissioners of inland fisheries and game,  
7 paying therefor a license fee of \$5.00 to be expended for the  
8 protection of game. Whoever violates any of the provisions  
9 of this section shall be punished by a fine of \$100.00 and  
10 costs.’

Sect. 10. 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:

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

Sect. 11. Section 1 of chapter 32 of the Revised Statutes  
2 is hereby amended by striking out the words “and in Frank-  
3 lin county in which the close time shall be from October first  
4 to May first” in the seventh and eighth lines of said section,  
5 and by striking out the words “and except Wilson pond in  
6 Wilton, in Franklin county, on which the close time shall be  
7 from October first until the ice is out of said lake the follow-  
8 ing spring,” in the tenth, eleventh and twelfth lines of said  
9 section, and by striking out the words “provided, however,  
10 that any person lawfully trolling for trout, landlocked salmon  
11 or togue, in good faith, who shall accidentally hook or catch  
12 a white perch may lawfully keep the same,” in the sixteenth,



13 seventeenth, eighteenth and nineteenth lines of said section,  
14 and by striking out the word "forty" in the twenty-seventh  
15 line of said section and inserting in place thereof the word  
16 'twenty-five,' and by inserting after the word "day" in the  
17 twenty-seventh line the words 'nothing herein shall be con-  
18 strued, as repealing any private or special act closing any lake  
19 or pond to ice fishng,' so that said section, as amended, shall  
20 read as follows:

'Section 1. There shall be an annual close time for land-  
22 locked salmon, trout, togue and white perch, as follows: for  
23 landlocked salmon, trout and togue, from the first day of  
24 October until the ice is out of the pond, lake or river fished  
25 in, the following spring of each year, except on the Saint  
26 Croix river and its tributaries, and on all the waters of Ken-  
27 nebec county, in which the close time shall be from the fif-  
28 teenth day of September until the ice is out of the ponds and  
29 lakes the following spring, and except Sebago lake, and  
30 Long pond, in Cumberland county, on which the close time  
31 shall be from October first to April first; but for white perch  
32 the close time shall be from the first day of April to the first  
33 day of July; no person shall take, catch, kill or fish for, in  
34 any manner, any landlocked salmon, trout, togue or white  
35 perch in any of the waters of the State, or have the same in  
36 possession, in close time; and provided, that during Febru-  
37 ary, March and April, citizens of the State may fish for and  
38 take landlocked salmon, trout, and togue, with not more  
39 than five set lines for each family, when fishing through the  
40 ice in the day time, and when under the immediate personal  
41 superintendence of the person fishing, and may convey them  
42 to their own homes for consumption therein but not other-  
43 wise; but no citizen of the State during this time shall be  
44 permitted to catch more than twenty pounds, or one fish, of  
45 landlocked salmon or trout, or more than twenty-five pounds,

46 or one fish, of togue, in any one day. Nothing herein shall  
47 be construed as repealing any private or special act closing  
48 any lake or pond to ice fishing, or otherwise restricting fish-  
49 ing. Whoever violates any provision of this section shall be  
50 subject to a penalty of not less than ten nor more than thirty  
51 dollars for each offense, and one dollar additional for every  
52 fish caught, taken or killed in violation of any provision of  
53 this section.'

Sect. 12. 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  
4 killed at any time the following shall be included: Mudhens,  
5 so called, kingfishers, and blue herons, so called. It shall be  
6 unlawful to kill an eagle or vulture at any time under a pen-  
7 alty of ten dollars and costs for each offense.'



## STATE OF MAINE.

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IN SENATE, March 10, 1905.

Reported by Mr. STETSON from the Committee on Inland Fisheries and Game, pending acceptance of report, "ought to pass," laid on table to be printed, on motion by same Senator.

KENDALL M. DUNBAR, *Secretary*.