

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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1874.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

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CHAP. 238.**Chapter 238.**

An act to amend section one hundred and sixty-seven of chapter six of the revised statutes, relating to the collection of taxes.

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

Sec. 167, ch. 6, R. S., amendment of.

Section one hundred and sixty-seven of chapter six of the revised statutes is hereby amended by striking out the word "four" in the third line and inserting the word 'three' in place thereof, so that the section as amended shall read as follows :

Lien for taxes.

'SECT. 167. For all taxes legally assessed on real estate belonging to resident proprietors and on equitable interests assessed under section three of this chapter, a lien is hereby created which shall continue in force until the payment thereof. If any such tax remains unpaid for the term of nine months from the date of the assessment, the collector may give notice thereof, and of his intention to sell so much of such real estate or interest as is necessary for the payment of said tax and all charges, by posting notices thereof in the same manner and at the same places that warrants for town meetings are therein required to be posted, six weeks before the day of sale, designating the name of the owner, if known, the right lot and range, the number of acres as near as may be, the amount of tax due and unpaid, and such other short description as is necessary to render it certain and plain ; and shall lodge with the town clerk a copy of such notice, with his certificate thereon, that he has given notice of the intended sale as required by law.

Sale of real estate for taxes.

Notice, how given.

Copy of notice to be recorded.

Clerk to furnish attested copy of record.

Such copy and certificate thereon shall be recorded by said clerk, and the record so made shall be open to the inspection of all persons interested. It shall be the duty of the clerk to furnish to any person desiring it an attested copy of such record, on receiving payment or tender of payment of a reasonable sum therefor.'

Approved March 3, 1874.

**Chapter 239.**

An act to amend chapter thirty of the revised statutes, relating to game.

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

Wild fowl, killing of, prohibited at certain times.

SECT. 1. No person shall kill or have in his possession, except alive, or expose for sale, any wood-duck, woodcock, or English snipe, commonly so called, between the first day of January and the fourth day of July following, or kill any quail, grouse or partridge between the first day of January and the first day of September following, or have the same in possession or expose the same for

sale, except alive, between the first day of February and the first day of September following, under a penalty of not less than five nor more than ten dollars for each bird so killed or had in possession or exposed for sale.

CHAP. 239.

Penalty for violation.

SECT. 2. No person shall at any time or in any place within this state, with any trap, net, snare, device or contrivance, other than the usual method of sporting with firearms, take any wild duck of any variety, quail, partridge, grouse or woodcock, under a penalty of five dollars for each bird so taken.

Taking of wild fowl, with traps or snares, prohibited.

Penalty for.

SECT. 3. No person shall kill or have in his possession, except alive, any of the birds commonly known as larks, robins, swallows, sparrows or orioles, between the first day of January and the first day of September following, under a penalty of five dollars for each bird so killed or had in possession. This section shall not apply to any person who shall kill on his own premises any robin during the period when summer fruits are ripening.

Killing of certain birds prohibited.

Penalty for.

SECT. 4. No person shall at any time maliciously take or destroy the nest, eggs, or unfledged young of any wild bird of any kind, excepting crows, hawks and owls, or take any eggs or young from such nest, except for the purpose of preserving the same as a specimen, or of rearing said young alive, under a penalty of not less than one nor more than ten dollars for each nest, egg or young so taken or destroyed.

Penalty for destroying the nests, eggs or young, of certain birds.

SECT. 5. All penalties imposed under the provisions of this act may be recovered, with costs of suit, by any person or persons, in his or their own name, before any municipal or police court, or trial justice, in the county where the offense is committed, or the defendant resides, or such penalties may be recovered by an action in the superior court of the county of Cumberland, or in the supreme court of this state, which actions shall be governed by the same rules as other actions in said courts, except that upon a recovery by the plaintiff or plaintiffs in such suit in said courts, full costs shall be allowed to such plaintiff or plaintiffs, without regard to the amount of such recovery; and any judge of the supreme court, superior court of Cumberland county, or of any police or municipal court, and any trial justice, is authorized, upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit of the violation of any of the provisions of this act by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown to the complainant, to issue his warrant and have such offender committed or held to bail to answer the charge against him. Any penalties when collected shall be paid by the court before which conviction shall be had, one half to the overseers of the poor for the use of the poor of the city or town in which conviction is had, and the remainder to the prosecutor. On

—how recovered.

Costs.

Warrants, how issued.

Penalties, to whom paid.

**CHAP. 240.**

Penalty, non-payment of.

—how recovered.

—how applied.

Act not to apply to specimens.

Certain laws repealed.

the non-payment of the penalty, the defendant shall be committed to the common jail of the county for a period of not less than five days, and at the rate of one day for each dollar of the amount of the judgment, where the sum is over five dollars in amount; and it shall be the duty of any county attorney in this state, and he is hereby required to commence actions for the recovery of the penalties allowed and imposed in this act, upon receiving proper information; and in all actions brought by such county attorney, one half of the penalty recovered and collected shall be paid to the person giving information on which the action is brought, and the other half to the overseers of the poor for the use of the poor of the city or town in which conviction is had; this clause, however, not to preclude any person from bringing suit to recover or enforce any of the penalties named in this act without the aid or intervention of any county attorney.

SECT. 6. This act shall not apply to any person who shall kill any bird or take any egg for the purpose of having the same set up as a specimen.

SECT. 7. Sections sixteen, seventeen and eighteen of chapter thirty of the revised statutes of eighteen hundred and seventy-one, and chapter ninety of the public laws of eighteen hundred and seventy-three, are hereby repealed.

Approved March 3, 1874.

### Chapter 240.

An act additional to chapter one hundred and thirty-three of the laws of eighteen hundred and seventy-three, relating to the jail system of the state.

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

Sentence to punishment.

—to be conditioned.

Alternate sentence.

In addition to the sentence provided for in chapter one hundred and thirty-three of the laws of eighteen hundred and seventy-three, the court or justice may sentence any person to the other punishment provided by law for the same offense. If any person is sentenced to imprisonment and labor in either of the jails where the improvement and provision for labor has been made, as provided by said chapter, said sentence shall be conditioned that if the person so sentenced cannot be received at the jail to which he is sentenced, or if at any time before the expiration of said sentence he shall in the judgment of the inspectors named in section nine of said chapter, become incorrigible, or unsafe, they may order that he suffer such alternative sentence or punishment; and if said alternate sentence be in the state prison, the sheriff of the county