

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1878.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1878.

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**Chapter 50.**

CHAP. 50.

An act for the protection of Game and Birds.

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

SECT. 1. No person shall, before the first day of October, in the year of our Lord eighteen hundred and eighty, take, kill or destroy any moose in this state. All persons who in any way aid or assist in so doing shall be deemed principals. Any person violating the provisions of this section shall forfeit the sum of one hundred dollars for every moose so taken, killed or destroyed.

Taking, killing or destroying moose before Oct. 1, 1880, prohibited.

—penalty for violation.

SECT. 2. Any person who shall, before the first day of October, in the year of our Lord eighteen hundred and eighty, have in his possession, keep or sell any moose meat or moose hide, shall be liable to the penalty provided in section first.

Keeping moose meat or hides, prohibited.

—penalty.

SECT. 3. No person shall, after the first day of October, in the year of our Lord eighteen hundred and eighty, hunt, kill or destroy, with dogs, any moose within this state, under a penalty of one hundred dollars for every moose so killed or destroyed ; and no person shall, after the first day of October aforesaid, between the first day of January and the first day of October, in each year, in any manner hunt, kill or destroy any moose under the same penalty as above provided.

Hunting, &c., moose with dogs, prohibited.

—penalty.

Hunting, &c., from Jan 1 to Oct 1, in each year, prohibited.

—penalty.

SECT. 4. No person shall hunt, kill or destroy, with dogs, any deer or caribou, within this state, under a penalty of forty dollars for every such deer or caribou so killed or destroyed ; and no person shall, between the first day of January and the first day of October, in any manner hunt, kill or destroy any deer or caribou, under the same penalty as above provided. Any person may lawfully kill any dog found hunting moose, deer or caribou.

Hunting, &c., deer or caribou with dogs, prohibited.

—penalty.

Hunting, &c., from Jan. 1 and Oct. 1, prohibited.

—penalty.

Any dog found hunting moose, &c., may be killed.

SECT. 5. If any person has in his possession the carcass or hide, or any part thereof, of any such animal, between the first day of January and the first day of October, he shall be deemed to have hunted and killed the same contrary to law, and be liable to the penalties aforesaid ; but he shall not be precluded from producing proof in defence.

Possession of any part of such animal, presumptive evidence of violation of law.

SECT. 6. No person shall carry or transport from place to place in this state the carcass or hide, or any part thereof, of any such animal, during the period of time in which the

Transportation of any part of such animal during certain time, prohibited.

—penalty.

CHAP. 50. killing of such animal is prohibited, under a penalty of forty dollars.

Moose and game wardens to be appointed.

—tenure of office.

—may appoint deputies.

—duties.

Deputies to render account annually.

Warden to render account to secretary of state annually.

—penalty for neglect.

County attorney to be notified of delinquency.

—shall prosecute.

—evidence.

Town moose and game wardens may be elected.

—jurisdiction.

—shall make return to secretary of state.

—penalty for neglect.

—may require the aid of sheriffs.

SECT. 7. The governor, with advice of council, shall appoint one county moose and game warden for each county in the state, to hold his office for the term of four years, unless sooner removed, each of whom may appoint in writing one or more deputies under him, and require of them suitable bonds for the faithful performance of their duties, and the payment to him of his fees, and said wardens and their deputies in their several counties, shall faithfully enforce the provisions of this act. Each of the deputies shall annually, on or before the first day of December, render to his principal an account under oath of all the penalties by him enforced for the preceding year, and shall pay to him one-tenth part of the net proceeds thereof. Each county warden shall annually, in January, render to the secretary of state an account on oath of all the penalties enforced by himself, or returned to him by his deputies, for the year ending on the first day of December. The penalty for neglecting to do so, shall be for a warden fifty dollars, and a deputy twenty-five dollars; and the warden shall immediately give notice to the county attorney of every county of such neglect of his deputy, and the secretary of state shall notify such county attorney of every such neglect of the warden; and the county attorney shall prosecute for every such neglect of which he has notice; and the penalties so recovered shall be for the use of the county. In such prosecutions the certificate of the secretary of state shall be sufficient evidence of the fact of such neglect to make return to him.

SECT. 8. The municipal officers of any town may insert in the warrant for their annual meeting an article for the choice of a town moose and game warden, who, in his town and anywhere within the distance of twelve miles from the exterior bounds thereof, shall have concurrent jurisdiction with, and the same powers and rights, as the county moose warden and his deputies; and he shall make a like return to the secretary of state, under a penalty of twenty-five dollars, to be proved, recovered, and appropriated in the same way. Each of said officers shall have the same authority to require aid in the execution of his office as sheriffs and their deputies have.

SECT. 9. The county wardens, their deputies or town wardens, may recover the penalties for unlawfully hunting and killing moose, deer, and caribou, in an action on the case in their own names, or by complaint or indictment in the name of the state; and such officers may be competent witnesses, and the sums recovered shall be paid, one-half to the warden or deputy warden, and the other to the county or town, as the case may be. Any person may prosecute by action, complaint or indictment for any of the acts herein forbidden, provided no such warden or deputy, within fourteen days after the offense is committed, prosecutes therefor, and the sums recovered shall be paid, one-half to the prosecutor, and the other to the county, and such action, complaint or indictment may be commenced in any county in which such animal is killed or hunted, or into which its carcass or hide, or any portion thereof, may be carried.

How penalties may be recovered.

Any person may prosecute if officers neglect.

Action, where commenced.

SECT. 10. The secretary of state is to communicate to the legislature, in each month of January, what has been done in execution of the preceding sections of this chapter as appears by the returns received.

The secretary of state to communicate doings to legislature in Jan. annually.

SECT. 11. No person shall in any way destroy, between the first day of May and the fifteenth day of October of each year, any mink, beaver, sable, otter or fisher, under penalty of ten dollars for each animal so destroyed, to be recovered on complaint, one-half thereof to the use of the county where the offense is committed, and one-half to the prosecutor.

Destruction of certain animals between May 1 and Oct. 15, prohibited. —penalty.

SECT. 12. No person shall kill or have in his possession except alive, or expose for sale, any wood duck, dusky duck, commonly called black duck, or other sea duck, or plover, between the first day of May and the first day of September; or kill, sell, or have in possession except alive, any ruffed grouse, commonly called partridge, or woodcock, between the first day of December and the first day of September following; or kill, sell, or have in possession except alive, any quail or pinnated grouse, commonly called prairie chicken, between the first day of January 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.

Killing certain birds prohibited during certain seasons.

—penalty.

SECT. 13. 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 fire-

Destruction of certain birds, prohibited.

## CHAP. 50.

Penalty.

arms, take any wild duck of any variety, quail, grouse, partridge or woodcock, under a penalty of five dollars for each bird so taken.

Insectivorous birds protected.

SECT. 14. No person shall at any time kill or have in his possession, except alive, any of the birds commonly known as larks, robins, swallows, sparrows or orioles, or other insectivorous birds, crows and hawks excepted.

Destruction of nests, eggs, &amp;c., prohibited.

SECT. 15. No person shall at any time wantonly take or destroy the nest, eggs, or unfledged young of any wild bird of any kind, except crows, hawks and owls, or take any eggs or young from such nests, except for preserving the same as specimens, 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.

—exception.

—penalty.

Transportation of birds during certain seasons, prohibited.

SECT. 16. No person shall carry or transport from place to place, in this state, any of the birds named herein, during the period in which the killing of such bird is prohibited, under a penalty of five dollars for each bird so carried or transported.

—penalty.

Provisions of act not to apply to taxidermists.

SECT. 17. The provisions of this act shall not apply to taxidermists, commissioned by the governor with the advice of the council, to take and kill birds for scientific purposes, provided they kill the birds for such purposes only.

Penalties, how recovered.

SECT. 18. All penalties imposed by the seven preceding sections may be recovered by an action of debt, or by complaint or indictment in the name of the state, by any warden or his deputies, or any other person, before any court having jurisdiction thereof, in any county in which such offense may be committed or the accused resides; and in all actions therefor in the supreme judicial court, or any superior court for the county of Cumberland, if the plaintiff recovers, he shall recover full costs without regard to the amount of such recovery. Such penalties, when collected, shall be paid, one-half to the prosecutor, and the other to the overseers of the poor, for the use of the poor of the city or town where such prosecutor resides.

—to whom paid.

Act not to apply to ducks on sea coast.

SECT. 19. This act shall not apply to the shooting of ducks on the sea coast.

Inconsistent acts repealed.

SECT. 20. Chapter one hundred and six, and section two of chapter ninety-eight of the public laws of eighteen hundred and seventy-two, [1876] together with all acts and parts of acts inconsistent with this act are hereby repealed; saying all

actions, complaints and indictments now pending, or which CHAP. 51.  
may hereafter be commenced for the violation of any such act  
before this act takes effect.

Approved February 19, 1878.

### Chapter 51.

An act additional to chapter five of the Revised Statutes, relating to the public lands.

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

SECT. 1. That the land agent, under the direction of the  
governor and council, shall sell at public or private sale and  
convey any lots or parcels of land and islands and rights to  
cut timber belonging to the state, on such terms as they may  
direct, including lots set apart or surveyed for settlement,  
and at the time of sale not taken up by settlers ; also all  
lands and rights that may become forfeited for a non-  
performance of settling duties or other conditions ; and also  
the right to cut timber and grass on lots reserved for public  
uses in any township or tract of land until the same is in-  
corporated or organized into a plantation. *Provided*, that  
until the lots set apart for settlement are sold as aforesaid,  
they shall be subject to be taken up by settlers in manner  
now provided by law.

Land agent au-  
thorized to sell  
lands and rights  
to cut timber be-  
longing to state.

—also forfeited  
lands and rights.

Proviso.

SECT. 2. This act shall take effect from its approval, and  
all acts inconsistent herewith are repealed.

Inconsistent acts  
repealed.

Approved February 19, 1878.

### Chapter 52.

An act amendatory of section second, chapter one hundred and twenty-four of the  
Public Laws for the year one thousand eight hundred and seventy-three, as amended  
by the acts of one thousand eight hundred and seventy-four, and one thousand eight  
hundred and seventy-six, relating to Free High Schools.

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

SECT. 1. The second section of the one hundred and  
thirty-first chapter of the public laws of the year one thou-  
sand eight hundred and seventy-six, is hereby amended by

Sec. 2, ch. 131,  
public laws 1876,  
amended.