

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 305.

An Act to amend Chapter thirty and Chapter forty 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:

Sect. 1. Section nine of chapter thirty of the revised statutes as amended by chapter one hundred nine of the public laws of eighteen hundred ninety-five, is hereby amended by inserting the words 'artificial light' after the word "light" at the end of the first line, and by striking out the words "for not less than one hundred dollars nor more than three hundred dollars," in the fourth and fifth lines, and inserting therefor the words 'shall be imprisoned not exceeding four months' and by striking out the words "and be imprisoned thirty days" in the sixth and seventh lines, and by striking out the word "January" in the eighth line, and inserting therefor the words 'December first,' so that said section, as amended, shall read as follows:

Section 9, chapter 30, R. S., as amended by chapter 109, laws, 1895, further amended.

'Section 9. Whoever hunts, catches, kills or destroys with dogs, jack light, artificial light, so called, snares or traps, any bull moose, or in any manner hunts, catches, kills, destroys or has in possession any cow or calf moose, or part thereof, shall be imprisoned not exceeding four months for every bull moose or cow or calf moose so hunted, caught, killed, destroyed or had in possession; and no person shall, between the first day of December and the fifteenth day of October, in any manner hunt, catch, kill or destroy or have in possession any bull moose, or any part thereof, taken in close time, under the same penalty.'

Hunting bull, cow or calf moose with dogs, jack light, etc., how punished.

Sect. 2. Section ten of chapter thirty of the revised statutes, as amended by chapter thirty-six of the public laws of eighteen hundred and ninety-five, is hereby amended by inserting the words 'artificial light' after the word "light" at the end of the first line, and by striking out the word "caribou" wherever it occurs in said section, and by striking out all after the word "penalty" in the seventh line, so that said section, as amended, shall read as follows:

Section 10, amended.

'Sect. 10. Whoever hunts, catches, kills or destroys, with dogs, jack light, artificial light, so called, snares or traps, any deer, forfeits forty dollars for every deer so hunted, caught, killed or destroyed, and be subject to imprisonment thirty days, and no person shall, between the first days of January and October, in any manner, hunt, catch, kill or destroy or have in

Hunting deer, with dogs, jack and artificial lights, etc., how punished.

CHAP. 305 possession any deer or part thereof, taken in close time, under the same penalty.'

Section 11,
amended.

Sect. 3. Section eleven of chapter thirty of the revised statutes, as amended by section three of chapter ninety-five of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out all of said section after the word "any" in the first line, and adding the words, 'deer, or parts thereof, between the first day of January and the first day of the following October, not by himself killed in open season, except as hereinafter provided, shall be punished by a fine of forty dollars and costs of prosecution for each offense,' so that said section, as amended, shall read as follows:

Possession
of deer or
part there-
of in close
time, pun-
ished.

'Sect. 11. Whoever has in possession any deer, or parts thereof, between the first day of January and the first day of the following October, not by himself killed in open season, except as hereinafter provided, shall be punished by a fine of forty dollars and costs of prosecution for each offense.'

Section 12,
amended.

Sect. 4. Section twelve of chapter thirty of the revised statutes as amended by chapter eighty-seven of the public laws of eighteen hundred and ninety-five, is hereby amended by substituting therefor the following section:

Killing in
open sea-
son of more
than one
bull moose
and one
caribou,
forbidden.

—nor more
than two
deer.

—penalty.

—possession,
evidence of
guilt.

—market
men may
keep a cer-
tain num-
ber for sale,
in open sea-
son.

'Sect. 12. No person shall take, kill, destroy or have in possession between the fifteenth day of October and the first day of December, more than one bull moose, and one caribou; nor shall any person kill, take, destroy or have in possession between the first days of October and January more than two deer under a penalty of not less than forty dollars and costs for every deer or part thereof, and not exceeding four months imprisonment for each bull moose or caribou so taken, killed or destroyed or had in possession in excess of said number. Whoever has in possession, except alive, more than the aforesaid number of bull moose, caribou or deer, or parts thereof, shall be deemed to have killed or destroyed them in violation of law. But nothing in this section shall prevent any marketman or provision dealer having an established place of business in this state, from purchasing and having in possession at his said place of business three deer, lawfully killed or destroyed, or any part thereof, at one time, and selling the same at retail in open season to his local customers, provided said marketman has complied with the provisions of section thirty-one of this chapter.'

Section 13,
amended.

Sect. 5. Section thirteen of chapter thirty of the revised statutes, as amended by section five of chapter ninety-five of

the public laws of eighteen hundred and ninety-one, is hereby amended by striking out all of said section after the word "name" in the fourth line, and adding the words, 'and residence of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs of prosecution for each moose, caribou or deer so transported or carried; and any person not the actual owner of such game or part thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game was illegally killed, that is being transported or carried in violation of this section,' so that said section, as amended, shall read as follows:

'Sect. 13. No person or corporation shall carry or transport from place to place any moose, caribou or deer, or part thereof in close time, nor in open time unless open to view, tagged and plainly labeled with the name and residence of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs of prosecution for each moose, caribou or deer so transported or carried; and any person not the actual owner of such game or parts thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game was illegally killed, that is being transported or carried in violation of this section.'

Sect. 6. Section fifteen of chapter thirty of the revised statutes, as amended by section seven of chapter ninety-five of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out all of said section after the word "violation" in the fifth line, and adding the words 'such game shall be forfeited to the state to be sold for consumption in this state only, and the proceeds thereof shall monthly be paid into the treasury of the state to be added to the fund for the propagation and protection of inland fish and the protection of the inland game,' so that said section, as amended, shall read as follows:

'Sect. 15. All game hunted, caught, killed, destroyed, bought, carried, transported or found in possession of any person or corporation, in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, such game shall be forfeited to the state, to be sold for consumption in this state only, and the proceeds thereof shall monthly be paid into the treasury

Transportation during close time, prohibited.

—nor in open season unless open and tagged, etc.

—penalty.

—falsely claiming to be owner, punished.

Section 15, amended.

—game hunted, etc., in violation of law, liable to seizure.

—may be sold for consumption in the state and proceeds paid into

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the treasury.

Section 26, amended.

Fines and costs.

—how disposed of.

—if plaintiff prevails, shall have full costs.

—penalty, if officer neglects to pay fines to county treasurer.

—county treasurer shall pay over all such fines, etc., to state treasurer.

Section added.

Wardens may serve all processes.

of the state, to be added to the fund for the propagation and protection of inland fish and the protection of the inland game.'

Sect. 7. Section twenty-six of chapter thirty of the revised statutes, as amended by section one of chapter one hundred and sixty-seven of the public laws of eighteen hundred and ninety-five, is hereby amended by adding thereto the following words, 'and the said county treasurer shall, on the first day of June and the first day of December of each year, transmit such fines and costs, after deducting the costs and pay for prisoners' board boarded in the jail in his said county for any violation of the inland fish and game laws, to the treasurer of the state; and said sums of money thus received by the state treasurer shall be and become a part of the fund for inland fish and game,' so that said section, as amended, shall read as follows:

'Sect. 26. All fines, penalties and costs collected on complaints or indictmen for the violation of any fish or game law shall be paid to the court rendering final judgment thereon, and by such court to the treasurer of the county in which said court is held; and all fines and penalties recovered in actions of debt for the violation of any such law, shall be paid forthwith to such treasurer. In all actions of debt therefor in any court, if the plaintiff prevails, he shall recover full costs without regard to the amount recovered. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, either on complaint or indictment as aforesaid, or if by action of debt, and neglects for more than sixty days to pay the same into such county treasury, shall be punished by a fine of not less than forty nor more than one hundred dollars for the first offense, and for every subsequent offense, by such fine and imprisonment not exceeding six months; and the said county treasurer shall on the first day of June and the first day of December of each year, transmit such fines and costs, after deducting the costs and pay for any prisoners' board boarded in the jail in his said county for any violation of the inland fish and game laws, to the treasurer of the state; and said sums of money thus received by the state treasurer shall be and become a part of the fund for inland fish and game.'

Sect. 8. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

'Sect. 29. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of

the inland fish and game laws; fish wardens may be appointed inland fish and game wardens and need not give additional bond.'

Sect. 9. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

'Sect. 30. Whoever lawfully kills a bull moose shall, while the same is being transported, or any part thereof, preserve and transport it, with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit the moose, or part thereof being transported, to the state, and pay a fine of three hundred dollars and costs of prosecution.'

Section added.

When bull moose is being transported, evidence of sex shall be on same.

—penalty for failing to comply.

Sect. 10. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

'Sect. 31. Any market man or provision dealer, having an established place of business in this state, may purchase and have in his possession at his said place of business not more than three deer, lawfully killed or destroyed, or any part thereof, at one time, and sell the same at retail to his local customers, provided, however, that said market man or provision dealer, shall have procured a license of the commissioners of inland fisheries and game to carry on said business of buying and selling deer as aforesaid; and provided further, that said market man shall record in a book kept for that purpose, and open to the inspection of inland fish and game wardens and the commissioners of inland fisheries and game, the name and residence of each person of whom he purchases any inland fish or game, and the date of such purchase; and if any market man or provision dealer shall violate the provisions of this section he shall be fined five hundred dollars for each offense, and be prohibited for five years thereafter from the benefits of this section.'

Section added.

Market men may have in possession three deer and sell the same after procuring license of commissioner.

—shall keep record of the name and residence of each person of whom he purchased fish or game.

—penalty for violation.

Sect. 11. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

'Sect. 32. Any person may, at any time, lawfully kill any dog found hunting or chasing a moose or a caribou or a deer, or kept or used for that purpose. Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou or deer, or permits his dog to hunt or chase a moose, caribou or deer, shall be punished by a fine of one hundred dollars and costs for each offense.'

Section added.

Lawful to kill any dog chasing moose, deer or caribou.

—keeping dogs to hunt moose, etc., unlawful.

—penalty.

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Section added.

Having in possession unlawful implements for fishing, evidence of intent to use unlawfully.

—penalty.

Section added.

Unlawful to use metal patched bullet.

—exceptions.

Section added.

Transportation of moose, deer and caribou out of the state, forbidden.

—penalty.

—buying, for purposes of transportation, forbidden under same penalty.

Section 47, chapter 40, R. S., amended.

Close time, landlocked salmon, trout, togue and perch.

Sect. 12. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

‘Sect. 33. Having in possession any jack light, so called, spear, trawl or net other than a dip net, in any camp, lodge or place or resort for hunters or fishermen in the inland territory of the state, shall be prima facie evidence that the same are kept for unlawful use, and they may be seized by any officer authorized to enforce the inland fish and game laws, and whoever is convicted of having any of the above named implements in his possession unlawfully as aforesaid, shall be fined fifty dollars and costs of prosecution.’

Sect. 13. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

‘Sect. 34. It shall be unlawful to use in hunting for or shooting any moose, caribou or deer, any metal patched or metal cased bullet under a penalty of fifty dollars for each offense. The expansive, or mushroom bullet, so called, is hereby excepted from the provisions of this section.’

Sect. 14. Chapter thirty of the revised statutes is hereby further amended by adding thereto the following section:

‘Sect. 35. No resident of this state shall sell, or give away, any moose, or part thereof, or any deer, or part thereof, or any caribou, or part thereof, to be transported or carried beyond the limits of this state, under a penalty of one hundred dollars for each and every moose, deer or caribou, or part thereof, so sold or given away; and any person who shall buy any of the aforesaid named animals, or part thereof, to so transport them, or who shall transport them after buying the same, or receiving the same as a gift, shall be subject to the same penalties.’

Sect. 15. Section forty-seven of chapter forty of the revised statutes, is hereby amended by striking out the words “black bass” and “Oswego bass” in the second and seventh lines, and all after the word “first” in the eighth line, and adding the words, ‘day of October and the fifteenth day of the following June,’ so that said section, as amended, shall read as follows:

‘Sect. 47. There shall be an annual close time for landlocked salmon, commonly so called, trout, togue and white perch, as follows: For land-locked salmon, trout, togue and white perch, between the first days of October and the following May, except on the Saint Croix river and its tributaries, and all the waters in Kennebec county, in which the close time

is between the fifteenth day of September and the first day of the following May.'

Sect. 16. Section forty-eight of chapter forty of the revised statutes, as amended by chapter fifty-three of the public laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Section 48,
as amended.

'Sect. 48. No person shall take, catch or fish for, in any manner, any land-locked salmon, trout, togue or white perch, in any of the waters aforesaid, between the first day of October and the first day of the following May, nor in the Saint Croix river and its tributaries, between the fifteenth day of September and the first day of the following May, under a penalty of not less than ten nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken or killed; provided, however, that during February, March and April, citizens of the state may fish for and take land-locked salmon, trout, togue and white perch and convey the same to their own homes, but not otherwise.'

Penalties
for taking
fish in close
time.

—except-
tions.

Sect. 17. Section forty-nine of chapter forty of the revised statutes is hereby amended so as to read as follows:

Section 49,
amended.

'Sect. 49. No person shall sell, expose for sale, or have in possession with intent to sell, or transport from place to place, any land-locked salmon, trout, togue or white perch between the first day of October and the first day of the following May, under a penalty of not less than ten nor more than fifty dollars for each offense.'

Penalty
for selling, etc.,
salmon,
trout, togue
and perch
during
close time.

Sect. 18. Section fifty of chapter forty of the revised statutes is hereby amended so as to read as follows:

Section 50,
amended.

'Sect. 50. Any person having in possession, except alive, any land-locked salmon, trout, togue or white perch, between the first day of October and the first day of the following May, or who transports from place to place within the state, any land-locked salmon, trout, togue or white perch, between the first day of October and the first day of the following May, shall be deemed to have killed, caught, or transported the same contrary to law, and be liable to the penalties aforesaid.'

Persons
having in
possession
or trans-
porting sal-
mon and
fish named,
deemed
guilty of
violating
law.

Sect. 19. Section fifty-one of chapter forty of the revised statutes, as amended by chapter nine of the public laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Section 51,
chapter 40,
R. S.,
amended by
chapter 9,
laws. 1895,
further
amended.

'Sect. 51. Whoever fishes for, takes, catches, kills or destroys any fish, with fish spawn, grapnel, spear, trawl, weir,

Taking fish
with grap-
nel, spear,
trawl, weir,

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seine, trap and similar devices, prohibited.

—penalty.

—prohibited implements forfeited and may be destroyed.

Section 54, R. S., as amended chapter 31, laws, 1895, amended.

Having in possession or transporting of more than 25 pounds at one time, prohibited.

—shall be transported in possession of owner and labeled.

—penalty.

—having more than 25 pounds in all, deemed violation.

—proviso.

Section added.

Commissioners may adopt rules to protect spawning beds, etc.

seine, trap or set lines, except when fishing on the ice, and then with not more than five set lines in the day time, except in tide waters where such methods are not prohibited, or with any device or in any other way than by the ordinary mode of angling with single baited hooks and lines, or with artificial flies, artificial minnows, artificial insects, or spoon hook, so called, forfeits twenty-five dollars for the offense, and ten dollars for each salmon or land-locked salmon, and one dollar for each and every other fish so taken, caught, killed or destroyed; and when such prohibited implements or devices are found in use or possession they are forfeit and contraband, and may person finding them in use may destroy them. Provided, it shall be lawful to fish for and take cusk in the night time, with five set lines.'

Sect. 20. Section fifty-four of chapter forty of the revised statutes, as amended by chapter thirty-one of the public laws of one thousand eight hundred ninety-five, is hereby amended so as to read as follows:

'Sect. 54. No person shall take, catch, kill or have in possession at any one time more than twenty-five pounds of land-locked salmon, trout or white perch, in all, nor shall any such be transported, except in the possession of the owner thereof, plainly labeled with the owner's name and residence thereon, under a penalty of fifty dollars for each offense, and five dollars for every pound of land-locked salmon, trout or white perch so taken, caught, killed or had in possession, or being transported, in excess of twenty-five pounds, and all such fish transported in violation of this section may be seized, and shall be forfeited to the prosecutor. Whoever has in his possession more than twenty-five pounds, in all, of such fish, shall be deemed to have taken them in violation of this section. Provided, however, that the taking of one fish additional when having less than twenty-five pounds shall not be regarded as a violation of the law.'

Sect. 21. Chapter forty of the revised statutes is hereby further amended by adding thereto the following section:

'Sect. 83. The commissioners of inland fisheries and game, upon petition of ten or more tax payers, residents in the locality may adopt such needful rules and regulations, not contrary to the general laws of the state, as may be necessary to prevent the interference with, or the destruction of the spawning beds, feeding troughs, or artificial ponds of land-locked salmon or

trout; and notice of the hearing on such petition, and the adoption of any such rules and regulations shall be given as provided in section seventy-six, chapter forty. The penalty for the willful violation of any of such rules and regulations shall be fifty dollars for each offense.'

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—penalty
for viola-
tion.

Approved March 26, 1897.

Chapter 306.

An Act to amend Chapter sixty-five of the Public Laws of eighteen hundred and ninety-five, entitled "An Act in relation to State Taxes on organized plantations taxed by the state as Wild Lands."

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

Sect. 1. Section one of chapter sixty-five of the public laws of eighteen hundred and ninety-five is hereby amended by adding the words 'in the month of April in each year,' so that said section, as amended, shall read as follows:

Section 1,
chapter 65,
public laws,
1895,
amended.

'Sect. 1. Warrants for state taxes on organized plantations taxed by the state as wild lands, shall be sent by the state treasurer to the county commissioners of the county in which such plantations are, in the month of April in each year.'

Warrants
for state
taxes shall
be sent to
county
commis-
sioners, in
month of
April.

Sect. 2. Section two of said chapter is hereby amended by striking out the words "stating the amount of such state tax on each owner in a separate column" at the end of said section, and adding the words 'including such overlay, not exceeding five per cent thereof, as a fractional division renders convenient. The assessors of such plantations in April of each year shall furnish the county commissioners of their county a true and attested copy of the tax list and valuation made by them on the first day of said April, and the county commissioners may adopt such list and valuation as their own, making such changes therein as they think best,' so that said section, as amended, shall read as follows:

Section 2,
amended.

'Sect. 2. The county commissioners shall add the amount thereof to their assessment for county taxes and assess the same on the real and personal property in such plantation to the owner, or person in possession, in accordance with their valuation thereof, including such overlay, not exceeding five per cent thereof, as a fractional division renders convenient. The assessors of such plantations in April of each year shall

Shall add
amount to
assess-
ment for
county
taxes, and
assess same
on property
of owner.