

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1899.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

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## CHAP. 42

Secretary of state shall cause public laws to be printed in newspapers.

—Maine reports.

'Section 44. He shall cause the public laws passed at each session to be printed within thirty days after the close thereof, on extra sheets, on good paper, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the state, shall receive ten dollars, besides one dollar for every hundred copies so distributed within the state. He shall also procure the usual number of each volume of Maine reports and distribute them and the acts and resolves when published, to such corporations, officers, and other persons, as the legislature designate.'

Section 2. This act shall take effect when approved.

Approved March 7, 1899.

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## Chapter 42.

An Act to consolidate, simplify, revise, and amend the laws pertaining to Inland Fisheries and Game, as contained in Chapters thirty and forty of the Revised Statutes, and in amendments and additions thereto, and to repeal old and obsolete, private and special laws pertaining to Fishing in the Public Waters of the state.

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

Section 1. Chapter thirty of the revised statutes is hereby amended by striking out all of said chapter after section four, and inserting in place thereof the following:

'Section 5. There shall be an annual close time for land-locked salmon, trout, togue, and white perch, as follows: for locked salmon, trout, and togue, from the first day of October until the ice is out of the pond, lake or river fished in the following spring of each year, except on the St. Croix river and its tributaries, and on all the waters in Kennebec county, in which the close time shall be from the fifteenth day of September until the ice is out of the ponds and lakes the following spring, and in Oxford and Franklin counties in which the close time shall be from the first day of October till May first; but for white perch, the close time shall be from the first day of April to the first day of July. No person shall take, catch, kill, or fish for in any manner, any land-locked salmon, trout, togue, or white perch in any of the waters of this state in close time, under a penalty of not less than ten dollars nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken, or killed; provided, however, that any person lawfully trolling for trout, land-locked salmon, or togue, in good faith, who shall accidentally hook or catch a white perch

Chapter 30, R. S., amended by striking out all after section 4.

Close time for land-locked salmon, trout and togue from Oct. 1 till ice is out.

—waters excepted, St. Croix river.

—Kennebec county from Sept. 15 till ice is out.

—Oxford and Franklin counties from Oct. 1 to May 1.

—close time for white perch from April 1 to July 1.

—penalty for violation.

may lawfully keep the same; and provided, that during February, March and April, citizens of this state may fish for and take land-locked salmon, trout and togue, with not more than five set lines for each family, when fishing through the ice in the day time, and when under the immediate personal superintendence of the person fishing, and may convey them to their own homes for consumption therein, but not otherwise; but no citizen of the state during this time shall be permitted to catch more than twenty pounds, or one fish, of any of the above named fish in any one day. The provisions of this section pertaining to fishing through the ice shall not apply, however, to any of the lakes or ponds lying wholly or in part in the counties of Oxford, Franklin, Kennebec and Somerset, excepting Moosehead lake, Pickerel pond in Flagstaff, Gilman pond in Lexington, and Pierce pond in township number two, range four, in said Somerset county; nor to Allen pond, so called, in the town of Greene, to Lake Auburn in Auburn, or Brettun's pond in Livermore, all in Androscoggin county; nor to Sabbath Day pond, situated in New Gloucester, nor to Thomas pond, situated in the towns of Raymond and Casco, in the county of Cumberland; nor to Noyes' pond, Green lake, Eagle lake, Bubble pond, sometimes called Turtle lake, on the island of Mt. Desert, Crocker pond in township thirty-two, Middle Division, Jordan pond, Long pond, Pickerel pond, in township thirty-two, Middle Division, all in the county of Hancock; nor to Crystal lake, in Washington, in the county of Knox; nor to lake Hebron, otherwise known as Hebron pond, nor to Twin and Doughty ponds, known as Ship pond and Bear pond, in Elliottsville township, nor to Garland pond in Foxcroft and Sebec, Lower Wilson pond in Greenville, lake Onawa, Grindstone pond in Willimantic, Horseshoe pond and Indian pond, all in Piscataquis county; nor to Messabesic pond, called Shaker pond, and its outlet as far down the stream as the mill dam of Littlefield Brothers, nor to Middle Branch pond, in the towns of Alfred and Waterboro, nor to Littlefield's pond in Sanford, all in the county of York; nor to Lambert lake in the county of Washington; nor to Dyer's pond in the town of Jefferson, in the county of Lincoln; nor to Dexter pond in the town of Dexter, in Penobscot county; in all of which lakes and ponds it shall be unlawful to fish through the ice for any kind of fish at any time except as hereinafter provided, under a penalty of not less than ten dollars nor more than thirty dollars for each offense, and a further penalty of one dollar for each fish thus taken, caught, or killed. Moreover it shall be unlawful under the same penalty to fish for, take, catch, or kill any fish at

## CHAP. 42

—immunity for catching accidentally, white perch while fishing, lawfully.

—citizens may fish through the ice in February, March and April, with five set lines for home consumption only.

—no citizen shall take more than 20 pounds.

—waters exempted from provisions of this section pertaining to fishing through the ice.

—ponds and lakes in Oxford, Franklin, Kennebec and Somerset.

—certain ponds in Androscoggin county.

—Cumberland county.

—Hancock county.

—Knox county.

—Piscataquis county.

—York county.

—Washington county.

—Lincoln county.

—Penobscot county.

## CHAP. 42

—penalty for fishing through the ice unlawfully.

—Close time during September, annually for ponds and streams as follows.

—Androscoggin county.

—Aroostook county.

—Cumberland county.

—Franklin county.

any time, except as hereinafter provided, in the tributaries of any of the following named ponds, lakes and streams, namely; the following named ponds, lakes, and streams of Androscoggin county: Lake Auburn, or Wilson's pond, and all that part of the waters of said Lake Auburn and Townsend brook, so called, that lie north of the road leading from the Turner road, so called, to North Auburn village and crossing said Townsend brook, shall be considered as tributary waters of said Lake Auburn; Townsend brook within one hundred feet from the culvert at the mouth, during September of each year; Taylor pond in the city of Auburn; Brettun's pond in the town of Livermore; and Big Bear pond situated partly in Turner; the following named ponds, lakes and streams of Aroostook county: the inlet streams of Squaw Pan lake from Thibadeau's landing to the source of said stream, said stream being in township eleven, range four; and the tributaries to Madawaska lake in townships fifteen and sixteen, range four; the following named ponds, lakes and streams of Cumberland county: the tributaries to Sabbath Day pond, in the town of New Gloucester; the tributaries to Sebago lake, except Crooked and Northwest rivers; the tributaries to Anonymous pond, in the town of Harrison; Royal river from Sabbath Day pond to Jordan's dam; the tributaries to Thomas pond in the towns of Raymond and Casco; Greely brook and tributaries in the towns of Oxford, Norway and Otisfield; and Hancock pond in Sebago and Denmark, or any of its tributary brooks, for a period of two years; the following ponds, lakes and streams of Franklin county: the tributaries to Webb's pond in the town of Weld, except Alder brook down as far as the mill dam at Hildreth's mills; the tributaries to Tufts and Dutton ponds in township two, range four, west of Bingham's Kennebec Purchase; the outlet of the same from Dutton pond to Reid's falls and from Tufts pond to Alder stream; the tributaries to Rangeley lake and Ross pond; Rangeley stream from the lower wharf at the outlet of Rangeley lake down to the dead water at the upper end of the eddy and from the upper end of the eddy to the mouth of Kennebago stream, from July first to May first; Kennebago stream between the foot of the first falls near its mouth to the upper falls at the outlet of the lake, between July first and May first; Cupsuptic stream, tributary to Cupsuptic lake, above the first falls near its mouth, between the first day of July and May; South Bog stream up to the first quick water, from July first to May first; the stream connecting Long pond and Rangeley lake, from July first to May first; Bemis stream, tributary to Mooselucmaguntic lake; Whetstone brook, which flows into

Kennebago stream from the foot of the boulders, so called, in said stream, to the foot of the falls at the outlet of Kennebago lake; Metalluc and Mill brooks which flow into the Upper Richardson lake; the tributaries to Wilton pond in the town of Wilton; the tributaries of Varnum and North ponds in the towns of Temple and Wilton, and of Clearwater pond in the towns of Farmington and Industry; the tributaries of Long pond and Sandy river pond, lying wholly or in part in Sandy river plantation; Lufkin pond and its tributaries, in the town of Phillips; the tributaries to Four ponds in townships E and D; the tributaries to Tim and Mud ponds, in township two, range four, west of Bingham's Kennebec Purchase, and Webb's river above Goodwin Brothers' mill dam, in Carthage; the following named lakes, ponds and streams of Hancock county: the tributaries to Noyes' pond in Bluehill; Green lake in the towns of Dedham and Ellsworth; Eagle lake in the town of Eden; Bubble pond, sometimes called Turtle lake, on the island of Mt. Desert; Jordan pond; and Long pond; the following named lakes, ponds and streams in Kennebec and Somerset counties: the tributaries to all lakes and ponds lying wholly or partly in the towns of Winthrop, Monmouth, Litchfield, Manchester and Wayne; Three Mile pond in China, Windsor and Vassalboro; and McGraw, Ellis, East, North, Great, Long, Little and Snow ponds; the tributaries to Dyer's pond in the town of Jefferson in Lincoln county; the following named lakes, ponds and streams in Oxford county: the tributaries to Anasagunticook lake, or Whitney pond, in Canton and Hartford; Little Bear pond in Hartford and Turner; Howard's pond in Hanover; Magalloway river and its tributaries between the mouth of Little Magalloway river and the Berlin Mills Company's dam; Lake Pennesseewassee and Little Pennesseewassee; the tributaries to Roxbury pond and Garland pond; Rapid river from the swing bridge at the Oxford Club House to Lake Umbagog; Songo pond in Albany; Sand and Pickerel ponds in Denmark; and Upper Kezar pond in the towns of Stoneham and Lovell; the following named ponds, lakes, and streams of Piscataquis county: Lake Hebron, otherwise known as Hebron pond; Twin and Doughty ponds, known as Ship pond and Bear pond, in Elliottsville township; the brook that is the outlet of Garland pond in Sebec; the tributaries to Lake Onawa; Sebec lake and the tributaries to Moosehead lake, excepting Moose river, and the commissioners shall establish by metes and bounds the mouths of all the tributaries to Moosehead lake; the tributaries to Dexter pond in the town of Dexter, in Penobscot county; the following named ponds, lakes and streams in Somerset county: the tributaries

—Hancock county.

—Kennebec and Somerset counties.

—Lincoln county.

—Oxford county.

—Piscataquis county.

—Penobscot county.

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—Somerset  
county.

—Knox  
county.

—Wash-  
ington  
county.

—York  
county.

—unlaw-  
ful to fish  
in Quimby  
pond, ex-  
cept with  
flies from  
May 15 to  
October 1.

—number  
of catch,  
limited to  
12 fish.

—number  
that may  
be taken  
in certain  
other  
waters.

—unlawful  
to fish for  
pickerel in  
Three Mile  
pond, China,  
except on  
Saturdays.

—black bass  
and pick-  
erel, protec-  
tion of, in  
certain  
waters in  
Oxford  
county.

to Parlin, or Lang pond; Parlin, or Lang streams and their tributaries; the tributaries to lake George; Basset brook and its tributaries, in the town of Holden in township six; Beaver brook in the town of Holden; the brooks forming the outlet of Fish pond and Little Fish pond, and of Little Gulf stream and Big Gulf stream; Wood stream in Forsythe plantation, above its entrance into Big Wood pond; the tributaries to Rowell pond in Solon and Smith pond in Cornville; Hayden lake in the town of Madison; Mosquito stream, so called, connecting Mosquito pond with Moxie pond in township one, range four, Bingham's Kennebec Purchase, east of Kennebec river, known as The Forks plantation; Great Embden pond; and Moose pond in Hartland and Harmony; and west outlet of Moosehead lake; the following named ponds, lakes and streams in Knox county: the tributaries to Canaan lake; Lermond's and Alford's ponds; the tributaries to Norton pond; and the tributaries to Crystal lake; the tributaries to Lake Narraguagus and Lambert lake in Washington county, and the tributaries to Bonny Beg pond in Sanford and North Berwick, in York county. It shall be unlawful under the same penalty to fish for, catch, or kill any fish in Quimby pond in the town of Rangeley, except in the ordinary way of angling with rod and artificial flies, between sunrise and sunset of each day, from the fifteenth day of May to the first day of October; and no person shall take more than twelve fish in said pond in any one day, nor more than twenty-five fish in any one day in Four ponds in townships E and D, or fish, except with artificial flies, in South Bog stream and pool, so called, waters connected with Rangeley lake, or in Seven ponds, so called, or take, catch, or kill more than twenty-five trout from Tim and Mud ponds, in township two, range four, west of Bingham's Kennebec Purchase, or from Tufts and Dutton ponds in the same township in any one day, or take from the waters of Varnum or North pond in the towns of Temple and Wilton, and Clearwater pond in the towns of Farmington and Industry, more than three trout, togue, and land-locked salmon in all, in any one day. It shall be unlawful to fish for or catch pickerel in Three Mile pond in China, Windsor, and Vassalboro, except on Saturdays of each week, for consumption in the family of the person taking such fish; or to take any black bass, pickerel, or any other fish from the lower Kezar pond and its tributaries, in the county of Oxford, for the purpose of selling the same, but any person may take twenty pounds of fish in one day from said lower Kezar pond, but shall not transport the same, except in possession of the owner; or to fish for, take, or catch any fish, from Ward's brook, Ward's pond, and Walker's

pond, so called, in Oxford county, except between the first day of May and August of each year, or to fish therein except with rod and single line and artificial flies; or to fish for, catch, or kill any fish in Ellis river and its tributaries, situated in Andover, Andover West, North Surplus and Roxbury, in townships C and D, in Oxford and Franklin counties, except on Tuesdays, Thursdays and Saturdays, during the months of May, June and July, and to the fifteenth day of August; or in Ship Pond stream above Buck's falls; or in Little Huston pond, in Katahdin Iron Works township, except with artificial flies; or to fish for, take, catch or kill any blue back trout in any of the waters of the state at any time; or to fish in Grassy pond in the towns of Hope and Rockport at any time within five years from the approval of this act. Whoever violates any of the provisions of this section shall be subject to a penalty of not less than ten dollars nor more than thirty dollars for each offense, and one dollar additional for every fish caught, taken or killed in violation of any of the provisions of this section.

—close time for certain waters in Oxford and Franklin counties.

—Hope and Rockport in Knox county.

—penalty for violation of this section.

'Section 6. Whoever fishes for, takes, catches, kills, or destroys any fish, with fish spawn or grapnel, spear, trawl, weir, seine, trap, or set lines, except when fishing through the ice, and then with not more than five set lines in the daytime, or with any device, or in any other way than by the ordinary mode of angling with single baited hooks and lines, artificial flies, artificial minnows, artificial insects, spoon hooks and spinners, so called, shall be fined not less than ten nor more than thirty dollars for each offense; and when such prohibited implements or devices are found in use or possession, they are forfeit and contraband, and any person finding them in use, may destroy them. It shall, however, be lawful to take minnows and other bait fish, commonly used for live bait, for one's own use in fishing, in any of the closed streams in this state, and to take smelts for consumption in the family of the person taking them.

Taking of fish with fish spawn, grapnel, spear, trawl, weir, seine, trap or set lines prohibited.

—fishing through the ice, excepted.

—penalty for violation.

—prohibited implements shall be forfeited and destroyed.

—taking of minnows for bait and smelts for home consumption, permitted.

'Section 7. No person shall transport more than twenty-five pounds of land-locked salmon, trout, togue, or white perch, in all, at any one time; nor shall any such be transported except in the possession of the owner thereof, plainly labeled thereon with the owner's name and residence, except as is provided in section twenty-six of this chapter; nor shall any corporation transport more than twenty-five pounds in all, of said fish, at one time, as the property of any one person; nor shall any person take, catch, kill, or have in possession in any one day more than twenty-five pounds in all, of the above named fish. Whoever violates any of the provisions of this section shall be pun-

Transporting or having in possession more than 25 pounds at one time, or taking more than 25 pounds in one day, prohibited.

—penalty.

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—fish transported in violation of this section shall be forfeited.

—having in possession, deemed a violation.

Use of dynamite prohibited.

—penalty.

Introducing fish of any kind into waters, except by permission, prohibited.

—penalty.

—having in possession jack light, spear, trawl or net, deemed evidence of unlawful use.

—penalty for having in possession.

Permits may be granted to take eels, etc., in closed waters.

Close time for game birds.

—duck from May 1 to September 1.

—partridge and woodcock, December 1 to September 15.

—quail, December 1 to October 1.

ished by a fine of fifty dollars for each offense and one dollar for every pound of fish so taken or being transported, in excess of twenty-five pounds; and all such fish being so transported or taken in violation of this section may be seized and shall be forfeited to the state. Whoever has in his possession more than twenty-five pounds in all, of said fish, shall be deemed to have taken them in violation of this section; provided, however, that the taking of one fish additional having less than twenty-five pounds, or less than twenty pounds when fishing through the ice, shall not be regarded as a violation of the law.

‘Section 8. No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or taking fish, under a penalty of one hundred dollars and, in addition thereto, two months’ imprisonment in the county jail for each offense.

‘Section 9. Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, except upon written permission of the commissioners of inland fisheries and game, shall forfeit not less than fifty dollars nor more than five hundred dollars. The having in possession of any jack light, spear, trawl, or net, other than a dip net, in any camp, lodge, or place of 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. 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.

‘Section 10. In closed waters where eels, suckers, cusk, pickerel and white fish abound, the commissioners may grant permits to take the same and dispose of them for food purposes; and where an exclusive right is granted to take eels in any river or stream, or part thereof, they may grant such permit upon such terms as they deem reasonable, and such permits shall expire with the calendar year.

‘Section 11. There shall be for game birds an annual close time in which it shall be unlawful to hunt, chase, catch, kill or have them in possession; for wood duck, dusky duck, commonly called black duck, teal, and gray duck, the close time shall be from the first day of May to the first day of September of each year; for ruffed grouse, commonly called partridge, and woodcock, from the first day of December to September fifteenth; for quail from the first day of December to the first day of October; for plover, snipe and sand pipers, from the first day of May to the first day of August. Whoever violates any of the above

named provisions of this section shall be subject to a penalty of not less than five dollars nor more than ten dollars, for each bird so killed, caught, chased or had in possession in close time. No person shall, in any one day, kill or have in possession more than fifteen of each variety of the above named birds, except plover, snipe and sandpipers, during the respective open season for each; nor shall any person, at any time, kill or have in possession any ruffed grouse commonly called partridge, except for his own consumption in this state, except as hereinafter provided, under a penalty of five dollars for each bird so unlawfully killed or had in possession; nor shall any person at any time sell, or offer for sale, any ruffed grouse, commonly called partridge, within this state, under the same penalty; nor shall any person or corporation carry or transport from place to place any of the birds mentioned in this section, in close season, nor in open season unless open to view, tagged, and plainly labeled with the owner's name and residence and accompanied by him, unless tagged in accordance with section twenty-six of this chapter under the same penalty. Any person, not the actual owner of such bird, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of the birds above named as the property of one person, under the same penalty; and it shall be unlawful for a term of ten years, to hunt for, take, catch, kill or destroy the capercaillie, or cock of the woods, so called, black game, so called, or any species of the pheasant, except ruffed grouse or partridge, under a penalty of fifty dollars for each offense.

'Section 12. Whoever kills, or has in his possession, any birds commonly known as larks, robins, swallows, sparrows, woodpeckers or orioles, or other insectivorous birds, crows, English sparrows and hawks excepted, forfeits not less than one dollar, nor more than five dollars, for each such bird killed; and the possession by any person of such dead bird, is prima facie evidence that he killed such bird. Whoever at any time wantonly takes or destroys the nest, eggs or unfledged young of any wild bird, except crows, hawks, herons, loons and owls, or takes any eggs or young from such nests forfeits not less than one dollar nor more than ten dollars, for each nest, egg or young so taken or destroyed. Whoever carries or transports from place to place, any of the birds named in this chapter during the period in which the killing of such bird is prohibited, forfeits five dollars for each bird so carried or transported.

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—plover, snipe, etc., May 1 to August 1.

—penalty.

—having in possession in one day more than 15 birds, prohibited.

—exceptions.

—killing or having in possession, partridge, except for home consumption, prohibited.

—penalty. —selling of partridge, prohibited.

—transporting birds in close time, prohibited.

—nor in open season, unless open to view and tagged.

—falsely claiming to be owner, punished.

—transporting more than 15 birds at one time, prohibited.

—close time for capercaillie, etc., for 10 years.

—penalty.

—killing of certain insectivorous birds, prohibited.

—penalty.

—having in possession, deemed evidence of guilt.

—taking or destroying nest, eggs, or young of certain wild birds, prohibited.

—penalty.

—transporting of birds in close time, prohibited. —penalty.

## CHAP. 42

Trapping or netting of wild ducks, quail, partridge, woodcock, etc., prohibited.

—penalty.

—killing of duck on Kennebec river, regulated.

—hunting with jack-lights, prohibited.

—penalty.

—having firearms in possession in vicinity of duck grounds, shall be deemed evidence of intent to hunt contrary to law.

Commissioners may issue licenses to taxidermists.

—may license persons to take birds, eggs and nests for scientific purposes.

—fee.

—such birds, etc., shall not be offered for sale.

—penalty.

—taking of birds, etc., on Sunday, prohibited.

—licenses may be revoked.

—taxidermists may have in possession, fish and game in open season.

'Section 13. Whoever, at any time or in any place, with any trap, net, snare or contrivance, other than the usual method of sporting with firearms, takes wild duck of any variety, quail, ruffed grouse, or partridge, woodcock, or any bird which is in any wise protected by this chapter, forfeits five dollars for each bird so taken. Whoever kills in any manner, any wild duck of any variety, on the Kennebec river, or on the shores thereof, south of the Gardiner and Randolph bridge, or on Merrymeeting bay, or the shores thereof, between sunset and the day light of morning, forfeits twenty-five dollars for each offense; and whoever hunts, kills, or destroys, any wild duck, at any time, with the aid of jack lights, so called, or any artificial light, at any time, forfeits fifty dollars for each offense; the having of firearms in possession, in the night time in the vicinity of the duck grounds in Merrymeeting bay or on the Kennebec river, south of the Gardiner and Randolph bridge, shall be prima facie evidence that the person having such firearms in possession is hunting ducks contrary to law.

'Section 14. The commissioners of inland fisheries and game may, upon application, issue a license to such persons as taxidermists, who, in their judgment, are skilled in that art, of good reputation, and friendly to the fish and game laws of the state; and may also issue licenses to suitable persons, whose numbers shall not exceed ten at one time, to take, kill, capture and have in possession any species of birds other than domestic and the eggs and nests thereof for scientific purposes, and for such license the applicant shall pay the sum of five dollars; but no person thus allowed to take or have in possession birds for scientific purposes shall sell, offer for sale, or take any compensation for specimens of birds, nests, or eggs, or dispose of the same, by gift or otherwise, to be taken from the state, except for exchange of specimens for scientific purposes; and for any violation of the provisions of this section, such persons shall be subject to a fine of not less than ten nor more than fifty dollars. This section, however, shall not authorize the killing of any birds nor the taking of any birds' nests or eggs thereof on Sunday; and the commissioners may, for cause, revoke any license authorized by this section. Taxidermists mentioned in this section may at all times have in their possession, at their places of business, fish and game lawfully caught or killed in open time for the sole purpose of preparing for and mounting the same; and such fish and game or parts thereof may be transported to such licensee and retained by him for the purposes aforesaid, under such rules, restrictions and limitations as shall, from time to time be made by said commissioners and stated in such orig-

inal license and additions made thereto, from time to time, by said commissioners. Such licenses may be revoked by said commissioners, at any time after notice and an opportunity for a hearing; and every licensee or carrier violating any of the provisions of this act, or of the rules, restrictions, or limitations set out in said license and additions thereto, shall, on complaint before any trial justice or municipal or police court, be fined not less than twenty dollars nor more than fifty dollars.

—may be transported under license by commissioners.

—license may be revoked for violation.

—penalty.

‘Section 15. Whoever, between the first day of May and the fifteenth day of October, destroys any mink, sable, muskrat, or fisher, forfeits ten dollars for each animal so destroyed; excepting, however, that it shall be lawful to kill muskrats in Lily pond in the towns of Rockport and Camden and also such muskrats as interfere at any time with the operation and maintenance of any canal, ditch, lawful dam, or cranberry bog. Whoever at any time kills or destroys any beaver, except upon written permission of the commissioners of inland fisheries and game, shall be fined one hundred dollars and costs and twenty-five dollars additional for each beaver killed or destroyed.

Close time for mink, sable, muskrat and fisher, from May 1 to October 15.

—penalty.

—Lily pond in Rockport and Camden, excepted.

—penalty for killing beaver at any time.

‘Section 16. A bounty of five dollars for every wolf and of two dollars for every wild cat, killed in any town, shall be paid by the treasurer thereof to the person killing it, upon compliance with the following conditions: No bounty shall be paid unless the claimant, within ten days after he has killed such animal, or has returned from the hunting in which he killed it, exhibits to the town treasurer the entire skin thereof, with the ears and nose thereon, in as perfect a state as when killed, except natural decay, and signs and makes oath to a certificate, which oath said treasurer may administer, in which he shall state that he killed such animal, and the time and place, showing it to be within the state; and the treasurer shall thereupon cut off the whole of the ears and of the nose from such skin, and entirely destroy them by burning; then he shall pay the bounty and take the claimant’s receipt therefor upon the same paper with such certificate. The town treasurer shall immediately make upon the same paper a certificate under oath addressed to the treasurer of state, that he first cut off the ears and nose from the skin of such animal and destroyed them by burning, and then paid said bounty to the claimant. Said certificates and receipts shall annually in December be transmitted to the treasurer of state, and by him laid before the governor and council as early as convenient; and when allowed by them shall be paid by the treasurer of state to such towns. The certificates shall be in the following form:

Bounty on wolves and wild cats.

—how paid.

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CLAIMANT'S CERTIFICATE.

Form of certificate.

To the treasurer of.....I hereby certify that on the .....day of.....A. D. 18., at....., in the State of Maine, I killed the.....the skin of which I now exhibit to you; and I claim the bounty allowed by law for killing the same.

Dated at....., this.....day of.....A. D. 18.. .....Claimant.

Subscribed and sworn to before me the day and year aforesaid.

.....Treasurer of.....

CLAIMANT'S RECEIPT.

On this.....day of.....A. D. 18., I received of .....treasurer of....., .....dollars, being the bounty allowed by law for killing the.....described in the above certificate.

.....Claimant.

TREASURER'S CERTIFICATE.

Treasurer's certificate.

I hereby certify that as required by law, I first cut off the whole of the ears and nose from the skin of the..... described in the foregoing certificate and destroyed the same by burning, and then paid to said.....the bounty for which I have taken his receipt as above.

Dated at....., this.....day of.....A. D. 18.. .....Treasurer of.....

Subscribed and sworn to before me the day and year aforesaid.

.....Justice of the Peace.

'Section 17. No person shall at any time hunt, catch, kill, destroy or have in possession any cow or calf moose; and the term 'calf moose,' as herein used, shall be construed to mean that these animals are calves until they are at least one year old, and have at least two prongs or tines to their horns. No person shall, between the first day of December and the fifteenth day of October, in any manner, hunt, take, catch, or kill any bull moose; and no person shall, between October fifteenth and December first, take, catch, kill or have in possession more than one bull moose or part thereof.

'Section 18. No person shall, except as hereinafter provided, in any manner, hunt, take, catch, kill, or have in possession any deer or part thereof, between December fifteenth and October first; no person shall between October first and December fif-

Close time for cow and calf moose.

-term, calf moose, construed.

-close time for bull moose from December 1 to October 15.

-one only may be taken in open season.

Close time for deer, December 15 to October 1.

teenth, except as hereinafter provided, take, catch, kill, or have in possession more than two deer or parts thereof.

'Section 19. No person shall at any time, in any manner, hunt, catch, take, kill or destroy, with dogs, jack lights, artificial lights, snares, or traps, any moose, deer, or caribou; and no person shall, within six years from October fifteenth, in the year of our Lord eighteen hundred and ninety-nine, in any manner, hunt, chase, catch, kill, or have in possession any caribou or parts thereof.

'Section 20. Whoever shall violate any of the provisions of section seventeen of this chapter, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment not exceeding four months; whoever shall violate any of the provisions of section eighteen of this chapter, shall be punished by a fine of forty dollars and costs; whoever shall violate any of the provisions of section nineteen of this chapter, relating to deer, shall be punished by a fine of forty dollars and costs; and whoever shall violate any of the provisions of section nineteen of this chapter, relating to moose or caribou, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding four months.

'Section 21. It shall be lawful, however, for a person from the first day of September to the first day of October of each year, to take, catch, and kill one deer, for food purposes only, to be consumed in the locality where taken, by the person taking the same, in either of the counties of Oxford, Franklin, Somerset, Piscataquis, Penobscot, Aroostook, Hancock, or Washington, such person having first procured a license therefor, as hereinafter provided, on payment of six dollars by a non-resident, and four dollars by a resident, of this state, for the license as herein provided, and having at the same time his license in his possession, and under such rules and regulations as the commissioners of inland fisheries and game shall from time to time establish; but it shall be unlawful for non-residents of the state to take a deer as provided in this section, or to enter upon the wild lands of this state with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of June, July, August, September and October; provided that the provisions of this section so far as entering upon the wild lands in this state with intent to camp and kindle fires thereon while engaged in hunting or fishing, shall not apply to any person or persons who while hunting or fishing, stop at any hunting or fishing camp, which is owned or under the control of any registered

## CHAP. 42

—two only may be taken in open season.

Hunting with dogs, jack lights, etc., prohibited.

—close time on caribou for six years.

Penalty for violation of section 17.

—penalty for violation of section 18.

—penalty for violation of section 19.

One deer may be taken for food purposes between September 1 and October 1 in certain counties, by permission.

—license fee.

—non-residents must employ guides when camping out from June to November.

—shall not apply to persons hunting on grounds controlled by registered guide.

CHAP. 42

—license shall have coupons attached.

—coupon shall be attached to carcass.

—also to hide and horns.

—coupon properly attached, authorizes possession.

Form of license.

guide or registered camp owner. No license, as herein provided, shall be issued except on a blank furnished by the commissioners; which shall have attached to it a coupon having a fac simile of the commissioners' signatures; and when any person shall take or kill a deer, in accordance with such license, such person shall, as soon as practicable, detach from his license, and attach to the carcass of the deer, in plain sight, the coupon dated and signed, and the coupon shall be kept so attached so long as any considerable portion of the carcass remains unconsumed, and shall then be destroyed; and in case it is desired to preserve either the hide, head or horns, the coupon shall be kept attached to such parts, so long as they are preserved, and shall then be destroyed. The coupon, when so dated, signed and attached to a deer lawfully taken or killed, and lawfully in possession, shall authorize possession, use, taxidermy, or consumption of the same. Such license and coupons shall be in the following form:

State of Maine.

No.....

Department of Inland Fisheries and Game.  
License to take one deer for food purposes.

Augusta, .....189..

This certifies that....., whose signature appears hereon, and who is..... years of age, and resides at....., is entitled to take one deer only, in either of the counties of Oxford, Franklin, Somerset, Piscataquis, Penobscot, Aroostook, Washington or Hancock, during the month of September, 189., in conformity with the law.

Void, unless signed by the licensee and in his actual possession. This does not authorize transportation or sale.

Signature of licensee, .....

.....  
..... Commissioners.  
.....

Signature of registered guide, No.....  
.....

State of Maine.

Department of Inland Fisheries and Game.  
Coupon No. 1.

License to take one deer for food purposes.

No..... One deer.

Date when taken.....189.. This authorizes the keeping of carcass for food purposes only in the locality

Coupon.

where taken, and transportation of hide, head and horns of the same.

Signature of licensee,.....

.....  
..... Commissioners.  
.....

Signature of registered guide, No.....

.....

Whoever shall take, catch or kill any deer, or enter upon the wild lands in this state, with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of June, July, August, September and October, in violation of the provisions herein contained, shall be fined forty dollars and costs of prosecution, for each offense, and be subject to imprisonment thirty days. It shall be unlawful, however, to take, catch, kill, chase or hunt any deer in either of the counties of York, Cumberland, Androscoggin or Sagadahoc, for four years from October first, in the year of our Lord eighteen hundred and ninety-nine; and it shall be unlawful to hunt, chase, catch or kill any deer in the counties of Knox, Lincoln; and Waldo, except during the month of October of each year, or in Kennebec, except during the months of October and November of each year, and no person shall, during the respective open seasons in these counties, take, catch, kill, or have in possession more than two deer. Whoever shall violate any of the provisions of this section relating to deer in the counties of York, Cumberland, Androscoggin, Sagadahoc, Knox, Lincoln, Waldo, and Kennebec, shall be subject to a penalty of forty dollars and costs for each offense.

—Penalty for violation.

—close time for deer in the counties of York, Cumberland, Androscoggin and Sagadahoc, for four years.

—Knox, Lincoln and Waldo, during the month of October, each year.

—Kennebec, during the months of October and November.

—two deer only may be taken.

—penalty.

Section 22. Whoever has in possession more than one bull moose or more than two deer, in open season, or any of the aforesaid animals or parts thereof, in close season, except as is provided in this chapter, shall be deemed to have killed, taken and destroyed the same in violation of law. The words 'close season' and 'close time,' where used in this act, shall mean the time or period during which by this act it is made unlawful to hunt, shoot, wound, trap or destroy any bird or animal, or fish for, or catch any fish mentioned or referred to in this act, and the words 'open season' where used in this act, shall mean the time or period during which it shall be lawful to take these animals, fish, and birds, as specified and limited. Any person may, at any time, lawfully kill any dog found hunting or chasing a moose, caribou, or deer, or any dog 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,

Having in possession more than one moose or two deer, shall be deemed violations.

—terms defined.

—lawful to kill.

—dogs found hunting moose, deer or caribou.

—penalty for keeping dogs for hunting moose, deer and caribou.

## CHAP. 42

—Sunday a close time, perpetually.

—penalties.

—Penalty for transporting moose and deer unless tagged and open to view and accompanied by owner.

—penalty for falsely claiming to be owner.

—when bull moose is transported, evidence of sex shall be on same.

—penalty.

All birds, fish and game, transported, etc., in violation, liable to seizure.

—shall be forfeited to state.

—game may be returned to owner, by giving bond.

or who permits his dog to hunt or chase moose, caribou, or deer, shall be punished by a fine of one hundred dollars and costs of prosecution for each offense. Sunday is a close time, on which it is not lawful to hunt, kill, or destroy game or birds of any kind, under the penalties imposed therefor during other close time; but the penalties already imposed for the violation of the Sunday laws by the statutes of this state are not hereby repealed or diminished.

‘Section 23. No person or corporation shall carry or transport from place to place any moose 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 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, that is being transported or carried in violation of this section, was illegally killed; but nothing herein shall apply to the transportation of moose or deer by any person or corporation, when such game is lawfully tagged in accordance with the provisions of section twenty-six of this chapter. Whoever lawfully kills a bull moose shall, while the same or any part thereof, is being transported, 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 to the state the moose or part thereof being transported, and pay a fine of three hundred dollars and costs of prosecution.

‘Section 24. All birds, fish and 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. Any person whose game or fish has been seized for violation of any game or fish law, shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the state, in double the amount of the fine for such violation, on condition that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and takes the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized.

'Section 25. No resident of this state shall sell or give away any moose or deer or part thereof, or any game birds, 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 part thereof, and one dollar for every game bird so sold or given away; and any person who shall buy any of the above named animals or birds or parts 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 penalty.

Moose, deer and birds shall not be sold or given away to be transported beyond limits of state.

—penalty.

'Section 26. Any person who has lawfully killed a moose or a deer, except in September as heretofore provided, or who has lawfully in his possession one trout, one togue, one land-locked salmon or one white perch or ten pounds of either kind of these fish, or one pair of game birds, may send the same to his home or to any hospital in the state, without accompanying the same by purchasing of the duly constituted agent therefor a tag, paying for a moose five dollars, for a deer two dollars, for a trout, togue or land-locked salmon, one dollar for each or one dollars for each ten pounds of the same, and fifty cents for one white perch or ten pounds of the same, and fifty cents for a pair of game birds. The commissioners of inland fisheries and game may appoint agents in convenient localities who may sell these tags, under such rules and regulations as the commissioners may adopt. Said tag shall be substantially as follows:

Fish and game may be transported, without being accompanied by owner, upon payment of license fee.

—fees.

—agents may be appointed to sell tags.

State of Maine.

Department of Inland Fisheries and Game.

License to ship game, game birds or fish.

No.....

Augusta, .....189..

—form of tag.

This certifies that.....of..... is authorized to ship to his home in.....or to ....., a patient in the.....hospital, the following described game, game birds or fish, ..... by having this tag attached thereto.

Not transferable.

Signature of licensee, .....

.....

..... Commissioners.

.....

'Section 27. Any marketman 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 may sell the same at retail to his local cus-

Marketmen may have in possession three deer and sell the same after procuring license of

CHAP. 42  
 commis-  
 sioners.

—shall keep  
 record of  
 the name  
 and resi-  
 dence of  
 each per-  
 son of  
 whom he  
 purchases  
 fish and  
 game.

—penalty.

—fee for  
 license.

—shall  
 make re-  
 port to  
 commis-  
 sioners.

—penalty.

License  
 may be  
 issued to  
 buy and  
 tan deer  
 skins.

—record  
 shall be  
 kept.

—fee for  
 license.

—penalty  
 for not  
 reporting.

Keepers of  
 sporting  
 camps and  
 hunters re-  
 quired to  
 procure li-  
 cense an-  
 nually.

—fee.

—report.

—may pur-  
 chase deer  
 lawfully  
 killed.

tomers, provided, however, that said marketmen 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 marketmen 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 marketman 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. All marketmen or provision dealers licensed as aforesaid shall pay to the commissioners, in cities and towns of over three thousand inhabitants, five dollars annually, and three dollars in all other places; or instead of this fee, the commissioners may, at their discretion, issue licenses authorizing the retailing of deer as above specified, on payment of fifty cents for each deer retailed; said marketmen and provision dealers holding these licenses shall annually, on December fifteenth, make, sign, and send to the commissioners, under oath, a statement setting forth in detail the number of deer by them bought, and of whom bought, and the date of each purchase, during the time covered by their licenses; and whoever fails to make the report required in this section shall be subject to a penalty of one hundred dollars and costs.

‘Section 28. The commissioners may annually issue licenses to suitable persons to buy and sell, or tan, deer skins lawfully taken. Such persons shall keep a record of all deer 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, to be paid to the commissioners and by them to the state treasurer; and whoever, licensed as aforesaid, unreasonably and willfully refuses to make such report, shall be punished by a fine of one hundred dollars and costs.

‘Section 29. Every person who keeps a sporting camp, lodge or place of resort for inland hunting or fishing parties, or whoever engages in the business of hunting or trapping any of the fur bearing animals of the state, in any of the unorganized townships or wild lands of the state, shall annually procure a license therefor from the commissioners of inland fisheries and game and pay a fee therefor of five dollars, and shall make such report to the commissioners as may be called for; and such licensed persons may purchase for consumption in their sporting camps, lodges or places of resort, deer lawfully killed;

but they shall keep a record of all such purchases, of whom purchased, and the date of the purchase, and on December fifteenth of each year shall make written report thereof to the commissioners under oath; whoever violates any of the provisions of this section shall be fined one hundred dollars and costs for each offense; the commissioners however may refuse to issue a license or licenses to such person or persons as they deem unsuitable.

—keep record of such purchases and report to commissioners.

—penalty.

—licenses may be refused.

'Section 30. No person shall engage in the business of guiding, either for inland fishing or forest hunting, until he has caused his name, age, and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and has procured a certificate from said commissioners, setting forth in substance that he is deemed suitable to act as a guide, either for inland fishing or forest hunting, or both, as the case may be, under a penalty of fifty dollars and costs of prosecution for each offense. Each registered guide shall, from time to time, as often as requested by the commissioners, forward, on blanks furnished him by the commissioners, a statement of the number of persons he has guided in inland fishing and forest hunting during the time called for in said statement, the number of days he has been employed as a guide, and such other useful information relative to inland fish and game, forest fires and the preservation of the forests in the localities where he has guided, as the commissioners may deem of importance to the state, under a penalty of fifty dollars for unreasonably or willfully refusing to comply with these requirements.

Guides required to register with commissioners.

—certificate.

—shall furnish information as requested, to commissioners.

—penalty.

'Section 31. Such registration as is provided for in this chapter shall be as follows; the applicant shall apply in writing or personally to the commissioners for registration, or to some person designated by the commissioners, setting forth in his application whether he desires to be registered as a general or local guide; and the commissioners shall, as soon thereafter as may be, register such person as a guide in such class as they shall deem proper, after such investigation as they shall deem proper; but said commissioners may refuse to register any applicant whom they deem unfit to be a guide, and may, for cause shown, after due notice and hearing, cancel any registration by them made, and may advance any one from the local class to the general class, whenever they shall deem such person qualified to be a general guide. Whenever a guide, registered as provided in this chapter, is convicted of any violation of any of the inland fish and game laws, the commissioners shall, at their discretion, cancel his certificate of registration and strike his name from

Form of registration.

—class may be general or local.

—unfit persons may be refused.

—certificate may be canceled.

—guides may be advanced.

—penalty of guides who violate the law.

CHAP. 42

—canceled certificate shall be returned to commissioners under penalty.

—annual fee.

—qualification of general guides.

—qualifications for local guide.

—non-resident guides shall pay a fee of \$20.

—badge.

Commissioners of inland fisheries and game, how appointed.

—tenure.

—salary.

—traveling expenses.

—office.

—clerk.

Duties.

the list of registered guides; but such person may thereafter be registered again at the discretion of the commissioners. Any certificate canceled by virtue of this chapter shall be immediately returned to the commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement. A fee of one dollar shall be paid annually for the registration as herein provided. No person shall receive a certificate as a general guide unless he be at least twenty years of age, of good repute and friendly to the inland fish and game laws, and will discountenance in all proper ways all violations thereof. He shall be thoroughly competent to traverse the hunting grounds of the state in which he is licensed to guide and shall be skilled in the use, management and handling of such boats or canoes, on lake, pond or river, as are used in the territory in which he is authorized to guide, and shall be a safe person under all circumstances to be a guide for inland fishing and forest hunting parties. A person may receive a certificate as a local guide who does not, in the judgment of the commissioners, possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted in the territory in which they are permitted to guide. Every non-resident registered as a guide shall pay a fee of twenty dollars; the commissioners may at their discretion refuse to issue any certificates of registration after October twentieth of each year, and every certificate issued shall expire with the calendar year. An official badge for guides may be prepared by the commissioners.

‘Section 32. The governor, with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the state, and shall hold the office so long as he shall continue to be land agent, and shall receive in addition to his salary as land agent, the annual sum of two hundred dollars; the other two commissioners shall hold their office for three years, and until their successors are appointed and qualified, and shall each receive an annual salary of one thousand dollars. Said commissioners shall receive, in addition to their salaries, actual traveling expenses, to be audited by the governor and council; they shall be provided with an office in the state capitol, with suitable furniture, stationery and other facilities for the transaction of the business of the department, and they may appoint a clerk at a salary not exceeding five hundred dollars per annum.

‘Section 33. The commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fish ways, and

the location, form and capacity thereof; and shall introduce and disseminate valuable species of food fish into the inland waters of the state, and valuable food birds into the state. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall annually, on or before the thirty-first day of December, report to the governor, who shall cause three thousand copies of said report to be printed.

—report.

‘Section 34. The commissioners of inland fisheries and game shall have authority, upon petition of five or more citizens of the state, or whenever they shall deem it for the best interests of the state, after due notice and public hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which its capture is prohibited by the laws of the state, and in all cases where the prayer of the petitioners is refused, one-half of the expenses of the commissioners shall be paid by the petitioners. Whenever they deem it for the best interests of the state, after like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish, in any part of the state, for a series of years not exceeding four. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the state, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the state, in conformity with the provisions of the last two preceding sections. They shall file, in the office of the clerks of the cities, towns and plantations in the territory to be affected, a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county, and post on the banks of waters to be affected, as nearly as may be, like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county, and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of state.

Authorized to regulate times and places of taking game and fish.

—cannot authorize taking of, in close time.

—may prohibit untimely taking of game and fish.

—may make rules for protection of game and fish.

—how notice of rules shall be given.

‘Section 35. Whoever fishes for, takes, catches, kills, or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in

Penalty for taking fish in violation of rules.

## CHAP. 42

the same manner and to the same extent as is provided for by law for the illegal taking, catching, killing or destroying of any such inland fish.

Penalty for hunting in violation of rules.

'Section 36. Whoever at any time or in any manner shall hunt, chase, catch, kill, take, have in possession, or destroy any inland game, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal hunting, chasing, catching, killing, taking, having in possession, or destroying of any such inland game.

Penalty for willfully defacing notices.

'Section 37. Any person who willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this act, shall be punished by a fine not exceeding fifty dollars, to be recovered by complaint or indictment; and one-half of said fine shall be paid to the prosecutor.

Commissioners may take fish and game for scientific purposes, and may grant permits to others.

'Section 38. Said commissioners of fisheries and game may take fish and game of any kind when, where, and in such manner, as they choose, for the purposes of science and of cultivation and dissemination, and they may grant written permits to other persons to take fish and game for the same purposes, and may introduce or permit to be introduced, any kind of fish into any waters. They may, after a hearing, set apart, for a term not exceeding ten years, any waters for the use of themselves, or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In the waters so set apart, they and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish culture and scientific work, take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other person shall take or kill any fish, or use any implement for fishing therein, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; provided, however, that before such hearing they shall give notice thereof, by publication of their intention for two successive weeks in at least one newspaper printed in the county where such waters lie. They are authorized to grant permission to take moose, caribou, deer and birds for park purposes in this state, under such rules, regulations and conditions as they shall establish. They may,

—may set apart waters for cultivation of fish.

—fish may be taken for scientific purposes.

—penalty for fishing in such waters.

—may grant permits to take game and birds for park purposes.

## CHAP. 42

under such rules and regulations as they may establish, permit the taking of eels and white fish in the inland waters of the state. They shall have authority to cause the destruction of all mink found in or around any fish hatchery or feeding station in this state. They may upon petition of ten or more taxpayers, residents in the locality, 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, or other useful fish. The penalty for the willful violation of any of such rules and regulations shall be fifty dollars for each offense. The commissioners may, at their discretion, screen the outlet of any pond or lake or authorize the same to be done under such conditions as may seem to them just.

Section 39. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives, or land-locked salmon, shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of inland fisheries and game by written notice to some owner or occupant specifying the location, form, and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; provided, however, that in case of disagreement between said commissioners and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located, within twenty days after notice of the determination, to the commissioners of inland fisheries and game by giving to the latter named commissioners, notice in writing of such appeal within that time, stating therein the reasons therefor; and at the request of the appellant or the commissioners of inland fisheries and game the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the commissioners of inland fisheries and game are affirmed, the appellants shall be liable for the costs arising after the appeal, other-

—may permit taking of eels, white fish.

—cause destruction of mink.

—may adopt rules to prevent destruction of spawning beds, etc.

—penalty for violation of rules.

Fishways to be provided.

—hearing and notice.

—fishways to be kept in repair.

—appeal to county commissioners in case of disagreement.

—costs, how paid.

## CHAP. 42

—if fishway is not completed in specified time, owner shall be fined.

—may prescribe time when fishways shall be kept open.

—penalty.

Fishways to be kept in repair.

—liability of owners of dams for cost of erecting ways.

—notice to owners residing out of the state.

—may delegate powers to any fish warden.

wise they shall be paid by the county. If a fishway thus required is not completed to the satisfaction of the commissioners of inland fisheries and game within the time specified, every owner or occupant shall forfeit not more than one hundred nor less than twenty dollars for every day of such neglect between the first days of May and November. On the completion of a fishway to the satisfaction of the commissioners of inland fisheries and game, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such writing shall be served on the owner or occupant of the dam. The commissioners of inland fisheries and game may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith, is not less than twenty nor more than one hundred dollars for every day of such neglect.

‘Section 40. Whenever the commissioners of inland fisheries and game find a fishway out of repair or needing alterations, they may, as in case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the three preceding sections, without appeal. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the state, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioners of inland fisheries and game or of any fish wardens who shall give to such owner or occupant and all persons interested therein, such notice as the court or any justice thereof in vacation, orders and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioners of inland fisheries and game may delegate to any fish warden or other lawful officer of fisheries

any of the powers given to said commissioners in relation to the construction of fishways.

'Section 41. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners; that is to say, Royall river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin, and Sullivan, Pleasant river in Washington county, East Machias river, and the eastern Penobscot river in Orland. Little river in Perry shall be exempt from all the foregoing provisions that relate to maintaining fishways in said river, except during April, May and June.

Waters exempted from provisions relating to migratory fish.

'Section 42. For the purposes of this chapter, the term 'salmon' means the common migratory salmon of the sea coast and rivers; the term 'land-locked salmon' means any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same locally known as 'salmon trout' and 'black spotted trout;' the term 'alewife' means the small species of migratory fish called 'alewife' but known also by the local names of 'herring' and 'gaspereau,' and also includes the similar species found in tidal waters and known as 'blue-back;' and the term 'bass' means the striped bass of tidal waters.

Terms 'salmon' and land-locked salmon, defined.

—alewife, defined.

—bass, defined.

'Section 43. The provisions of this chapter so far as they relate to fish apply to the taking of the same in all fresh waters above the flow of the tide and in all tidal waters frequented by the various species of fresh water and migratory fishes, except to the capture of shad and alewives in Denny's river and its tributaries, Pemmaquam river and its tributaries, and the Schoodic lakes and their tributaries, and to the taking of white fish in the Schoodic lakes on the St. Croix river and their tributaries, by citizens of the state with set nets, during the months of May and November, and conveying them to their own homes, but not otherwise. This chapter does not apply to fish taken in the weirs on St. Croix river and does not repeal the laws relating to the St. Croix, Denny's, Pemmaquam, Cobscook, East Machias and Narraguagus rivers; nor does it apply to the taking of blue back trout; except that no person shall fish for, catch, take, kill or destroy the same, with net, seine, weir or trap, under a penalty of five dollars for the attempt, and one dollar for each blue back trout so taken, caught, killed or destroyed, to be recovered by complaint.

Provisions of this chapter apply to all fresh waters above flow of tide.

—waters exempted.

—penalty for killing blue back trout.

'Section 44. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navi-

Riparian owners may inclose

## CHAP. 42

waters not navigable, for cultivation of fish.

—shall not obstruct passage of migratory fish.

—may take fish any time for purposes of cultivation and propagation.

—penalty for selling for food in close time.

—when parent fish are taken from public waters, twenty-five per cent shall be returned to original waters.

—does not apply to fish taken lawfully for food.

Fishing in waters used for cultivation of fish, artificially prohibited.

—penalty.

Penalty for killing sea salmon less than nine inches, or trout less than five inches in length.

gable, for the cultivation of useful fishes; provided that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials, in places where the same have a right to pass. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation; but he shall not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold. Any person engaged in the artificial propagation of trout, or fresh and salt water salmon, when the parent fish are taken from public waters in the state, shall retain not less than twenty-five per cent of all eggs taken from said parent fish, and shall cause the same to be properly cared for and hatched, and when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters, under a penalty of not less than fifty nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case, however, less than twenty-five per cent of the young fish to be returned, as provided in this section.

‘Section 45. No person without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by written permission of the fish commissioners, under a penalty of not less than ten nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and, in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

‘Section 46. Whoever kills or destroys any sea salmon or land-locked salmon less than nine inches in length, or any trout less than five inches in length, forfeits five dollars for the offense and fifty cents for every land-locked salmon or trout so killed or destroyed. Whoever has in possession any salmon or trout of

less than the above dimensions shall be deemed to have taken it in violation of this section.

‘Section 47. The governor with the advice and consent of the council, upon the recommendation of the commissioners of inland fisheries and game, may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed, and who shall enforce all laws relating to inland fisheries and game, and all rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; said wardens shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs, for like services, and they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act, give bond to the treasurer of the state with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioners of inland fisheries and game, conditioned for the faithful performance of the duties of their office. 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.

‘Section 48. Sheriffs, deputy sheriffs, police officers and constables, are vested with the powers of inland fish and game wardens and their deputies, and shall receive for their services the same fees.

‘Section 49. The commissioners and every warden throughout the state, and every sheriff and constable in his respective county are authorized and required to enforce the provisions of this chapter, and to seize any game or fish or game birds taken or held in violation of this chapter; and every such officer shall have full power and authority, and it shall be his duty, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof, and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, stores, ware-houses, store-houses, out-houses, stables, barns, and other places, and to examine all boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act is to be found, and to seize the same; provided, however, that a dwelling house actually occupied can be entered for examination, only in pursuance of a warrant, or to make an arrest.

‘Section 50. Any officer authorized to enforce the inland fish and game laws may recover the penalties for the violation

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—having in possession any such fish deemed a violation.

Fish and game wardens, appointment.

—term.

—duties of.

—shall give bond.

—power to serve processes.

Sheriffs and other officers, vested with powers of wardens.

Commissioners and other officers, authorized to seize game and fish.

—may arrest any supposed guilty person without warrant.

—with or without warrant, may enter all camps, etc.

—examine all packages supposed to contain game in violation of this act.

—dwelling houses, exempt.

How penalties may

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be recovered.

—term 'game birds' defined.

—'game animals' defined.

Violators of this act may be arrested without process.

—jurisdiction is granted to all courts, to be exercised as if offense had been committed in that county.

All courts shall have original and concurrent jurisdiction with supreme judicial court.

Penalty of any officer who neglects to pay fines into the state treasury.

—all fines shall be paid into state treasury.

How warrant may be served on a corporation.

thereof in an action on the case in his own name, the venue to be as in other civil actions, or by complaint or indictment in the name of the state; and such prosecution may be commenced in the county in which the offense was committed, or in any adjoining county, and the plaintiff prevailing shall recover full costs without regard to the amount recovered. The term 'game birds' as used in this act shall be construed to mean the ruffed grouse or partridge, all species of the pheasant, woodcock, snipe, plover, quail and all ducks enumerated in this act; and the term 'game animals' shall be construed to mean moose, caribou and deer.

'Section 51. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of any of said laws, and shall with reasonable diligence, cause him to be taken before any trial justice or any municipal or police court, in the county where the offense was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county; and any officer who shall maliciously, or without probable cause, abuse his power in such proceedings, shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.

'Section 52. In all prosecutions under this chapter and the amendments and additions thereto, municipal and police judges and trial justices within their counties have, by complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.

'Section 53. 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, and shall neglect for more than thirty days to pay the same into the state treasury, shall be punished by a fine of not less than fifty, nor more than one hundred dollars; all fines and penalties recovered, or money paid, under any of the provisions of this chapter and the amendments and additions thereto, shall, by the person recovering the same, be paid forthwith to the treasurer of the state, after deducting legal taxable costs; and such money so received by said treasurer shall be expended by the commissioners of inland fisheries and game for the protection of the fish and game of the state.

'Section 54. In case of a violation of any of the provisions of this chapter by a corporation, the warrant of arrest may be served by an attested copy on the president, secretary or manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the

corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employe from prosecution.

'Section 55. If the holder of any license, certificate, or permit, issued in conformity with any of the provisions of this chapter, shall persistently or flagrantly and knowingly violate or countenance the violation of any of the provisions of this chapter, such license, certificate, or permit may be revoked by the commissioners, after due notice given of the alleged violation and an opportunity afforded to appear and show cause against the same.

Licenses, etc., may be revoked if holder shall persistently violate this act.

'Section 56. It shall be the duty of each county attorney to prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioners or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioners. In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioners or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation. It shall be the duty of every justice of the peace and clerk of the court before whom any prosecution under this act is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fines collected, if any, and the disposition thereof to the commissioners, at Augusta. In all cases, the officer making the seizure or sale of fish, game or birds, shall within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses, and fees, and the disposition thereof to the commissioners at Augusta. Every warden shall, in the month of December of each year, and at such other times as the commissioners may require, report to the commissioners all violations of and prosecutions under this act, occurring in his district, together with such further information as the commissioners may require. The failure of any person or officer to perform any act, duty, or obligation enjoined upon him by this act, shall be deemed a violation thereof.

Duty of county attorneys to prosecute all violations, subject to control of commissioners..

—witnesses may be compelled to testify against any other person charged with violation of this act.

—such evidence shall not be used against such witness.

—all seizures shall be reported to commissioners.

—wardens may be required to report to commissioners all violations.

—penalty for failure to perform any duty enjoined by this act.

'Section 57. Cities, towns and plantations are authorized to raise annually, by a two-thirds vote at their annual meeting, a

Cities and towns may raise money

## CHAP. 43

for propa-  
gation and  
protection  
of fish.

Inconsis-  
tent acts,  
and rules  
and regula-  
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pealed.

—repeal  
does not  
extend to  
laws relat-  
ing to sea  
and shore  
fisheries.

sum not exceeding five hundred dollars, to be expended by the municipal officers thereof or by a commissioner elected by the cities, towns or plantations, for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditures thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.'

Section 2. All acts and parts of acts, whether so called public, or private and special, which are inconsistent with the provisions of this act, and all acts and parts of acts, whether public, or private and special, relating to inland fish and game, and which are not incorporated in this act, and all rules and regulations of the commissioners of inland fisheries and game, are hereby repealed. But this act shall not be construed as repealing any of the laws pertaining to sea and shore fisheries, or any of the laws governing the taking of salmon, shad, herring, alewives, and smelts in any of the tidal waters of the state, or waters flowing directly thereinto.

Approved March 8, 1899.

### Chapter 43.

An Act to amend Section sixty-five of Chapter seventy of the Revised Statutes, as amended by chapter one hundred and one of the Public Laws of eighteen hundred and ninety-one, relating to fees in Insolvency Proceedings.

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

Section 65,  
chapter 70,  
R. S., as  
amended by  
chapter 101,  
public laws  
1891, further  
amended.

Fees shall  
be estab-  
lished by  
supreme ju-  
dicial court.

—how paid.

Section 1. Section sixty-five of chapter seventy of the revised statutes, as amended by chapter one hundred and one of the public laws of eighteen hundred and ninety-one, is hereby further amended, so that said section sixty-five as amended, shall read as follows:

'Section 65. The fees of all officers, the compensation of assignees, and of judges and registers of probate, under this chapter, shall be established by the supreme judicial court, and shall be paid out of the estates if there are sufficient assets; if there are not sufficient assets for the payment of the fees, costs, and expenses of the insolvency proceedings, the person upon whose petition the warrant is issued shall pay the same, and the court of insolvency, after thirty days' notice in writing, by the court, to him, or his attorney of record, may issue an execution against him to compel payment to the register. Said executions shall be under the seal of the court issuing the same, bear the