

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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OF THE
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1901.

CHAP. 222

Fees of
magistrate.—fees of
officers.—fees, by
whom paid.

'Section 23. The magistrate shall be entitled to twenty-five cents for each subpoena, seventy-five cents for entry, twenty-five cents for capias, twenty-five cents for certificate, and three dollars for each day in hearing the disclosure and other testimony, and for entering default, twenty-five cents. The fees of officers shall be the same as for service of other process of similar nature. The petitioner may if the magistrate authorizes it, procure an officer to be in attendance during the proceedings, and the fees for such attendance shall be seventy-five cents a day. The above fees shall be paid by the petitioner, and in case the oath named in section eight is administered, shall be added to the costs on the judgment and execution and taxed in detail thereon by the magistrate. In case said oath is not administered to the debtor, the petitioner shall recover his costs and said fees, as in actions before a trial justice, and the magistrate shall issue a separate execution therefor.'

Approved March 19, 1901.

Chapter 222.

An Act to correct clerical errors and make plain the meaning of and amend Chapter thirty of the Revised Statutes, as amended by Chapter forty-two of the Public Laws of eighteen hundred and ninety-nine, relating to Inland Fisheries and Game.

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

Section 17,
chapter 30,
R. S., as
amended by
chapter 42,
laws 1899,
further
amended.

Section 1. Section seventeen of said chapter thirty, of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended by inserting after the word "kill" in the seventh line of said section the words 'or have in possession,' and by inserting after the word "moose" in the eighth line of said section the words 'or part thereof,' so that said section, as amended, shall read as follows:

Close time for
cow and calf
moose.—term "calf
moose" how
construed.—close time
for bull
moose from
December 1
to October 15.—only one
may be taken
in open
season.

'Section 17. No person shall at any time hunt, catch, kill, destroy or have in his 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, or have in possession any bull moose or part thereof; and no person shall, between October fifteenth and December first, take, catch,

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kill or have in possession more than one bull moose or part thereof.'

Section 2. Section eighteen of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Section 18 amended.

'Section 18. No person shall, except as hereinafter provided, in any manner, hunt, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, any deer, or part thereof, between December fifteenth and October first next following; no person shall between October first and December fifteenth next following, except as hereinafter provided, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, more than two deer or parts thereof; a person lawfully killing a deer in open season shall have a reasonable time in which to transport the same to his home and may have the same in possession at his home in close season.'

Close time for deer December 15 to October 1.

—two only may be taken in open season.

Section 3. Section twenty-two of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

'Section 22. 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 which hunts or chases a moose, caribou, or deer, or any dog kept or used for that purpose.

Terms "close season" and "close time."

—lawful to kill any dog found hunting deer.

Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou, or deer, shall be punished by a fine of one hundred dollars and costs of prosecution for each offense.

—penalty for keeping a dog for hunting purposes.

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.'

Sunday is a close time for game and birds.

Section 4. Section nine of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of

Section 9 amended.

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eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Unlawful to introduce fish into the waters of the state or any wild birds or animals into the state except upon permission of the commissioners.

—penalty. Unlawful to have in possession any jack light, spear, trawl or net.

—penalty for violation.

Section 27 amended.

'Section 9. Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, or whoever introduces wild birds or wild animals of any kind or species, into the state 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 5. Section twenty-seven of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended by striking out the words "fish or" in the fourteenth line of said section.

Section 10 amended.

Section 6. Section ten of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Commissioners may grant permits to take eels, suckers, cusk and whitefish in closed waters.

—lawful to take suckers from going out of the ice till June 1.

Section fourteen, amended.

'Section 10. In closed waters where eels, suckers, cusk 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; and it shall be lawful to take suckers with spears or hook and line in any closed tributaries from the time the ice goes out in the spring until June first.'

Section 7. Section fourteen of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended by striking out the word "ten" in the sixth line of said section, and inserting instead thereof the word 'fifteen,' and by adding after the word "hearing" in the thirteenth line the words, 'such license shall be for the term of three years, and each person so licensed shall annually on or before December first of each year make a detailed written report to the commissioners of all they have done during the year by virtue of such license,' so that said section, as amended, shall read as follows:

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'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 fifteen at one time, to take, kill, capture and have in possession any species of birds other than domestic and the nests and eggs thereof for scientific purposes; and for such licenses 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 original 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; such licenses shall be for the term of three years, and each person so licensed shall annually, on or before December first of each year, make a detailed, written report to the commissioners of all they have done during the year by virtue of such license; 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.'

Section 8. Section twenty of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-nine, is hereby amended by inserting after the word "costs" in the sixth line of said section the following words, 'for each deer taken, caught, killed or had in pos-

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.

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

—may be transported under license by commissioners.

—license may be revoked.

—term of license.

—persons licensed shall make written report.

Section twenty amended.

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session in violation of the provisions of section eighteen of said chapter,' so that said section, as amended, shall read as follows:

Penalty for violation of section seventeen.

'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 for each deer taken, caught, killed or had in possession in violation of the provisions of section eighteen of said chapter; 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.'

—for violation of section eighteen.

—for violation of section nineteen.

Section fifty amended.

Section 9. Section fifty of chapter thirty of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred ninety-nine, is hereby amended by striking out all of said section after the word "recovered" in the eighth line of said section.

Approved March 19, 1901.

Chapter 223.

An Act relating to Fees and Taxable Costs allowed to prevailing parties.

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

Costs shall not be taxed unless precept bears endorsement of attorney at law.

No costs shall accrue, be taxed or allowed, for any precept required in legal proceedings, whether in law or equity, unless the same shall issue from and bear the endorsement of an attorney at law.

Approved March 19, 1901.