

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 131.

An Act to amend Section twenty-three of Chapter one hundred fourteen of the Revised Statutes, relating to relief of Poor Debtors.

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

Section twenty-three of chapter one hundred fourteen of the revised statutes is hereby amended by striking out the words, "where plaintiff or his attorney of record resides in one county and defendant in another the debtor may be commanded to appear before such magistrate in any town in the county where the defendant resides," so that said section, as amended, shall read as follows:

Section 23, chapter 114, R. S., amended.

'Section 23. Such magistrate shall thereupon issue under his hand and seal a subpoena to the debtor, commanding him to appear before such magistrate within said county, in the town in which the debtor, the petitioner or his attorney, resides, or at the shire town of said county, at a time and place therein named, to make full and true disclosure, on oath, of all his business and property affairs. The application shall be annexed to the subpoena. No application or subpoena shall be deemed incorrect for want of form only, or for circumstantial errors or mistakes when the person and case can be rightly understood. Such errors and mistakes may be amended on motion of either party.'

Subpoena shall be issued to debtor to appear and disclose.

--errors in application for subpoena may be amended.

Approved March 22, 1905.

Chapter 132.

An Act to extend the close time on Caribou and amend Chapter thirty-two of the Revised Statutes, relating to Inland Fisheries and Game.

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

Section 1. The provisions of section eighteen of chapter thirty-two of the revised statutes relating to a close time on caribou are hereby extended for six years from October fifteenth, in the year of our Lord one thousand nine hundred and five.

Close time on caribou extended.

Section 2. Section nineteen of chapter thirty-two of the revised statutes is hereby amended as follows: By striking out the words "not less than five hundred nor more than one thousand" in the second, third and eleventh lines of said section and inserting instead thereof the words 'not exceeding five hundred,' and by adding to said section the following: "The provisions of section sixty-one of chapter forty-one of the revised statutes,

Section 19, chapter 32, R. S., amended.

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relating to the powers of the commissioner of sea and shore fisheries, are hereby extended to the commissioners of inland fisheries and game,' so that said section as amended, shall read as follows:

Penalty for violation of section 16.

'Section 19. Whoever violates any provision of section sixteen of this chapter, shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment not exceeding four months; whoever violates any provision of section seventeen 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 seventeen of said chapter; whoever violates any provision of section eighteen of this chapter relating to deer, shall be punished by a fine of forty dollars and costs; and whoever violates any provision of section eighteen of this chapter relating to moose or caribou, shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment not exceeding four months. The provisions of section sixty-one of chapter forty-one of the revised statutes, relating to the powers of the commissioner of sea and shore fisheries, are hereby extended to the commissioners of inland fisheries and game.

--for violation of section 17.

--for violation of section 18.

--provisions of section 61, chapter 41, R. S., extended to commissioners of inland fisheries and game. Section 20, chapter 32, R. S., amended.

Section 3. Section twenty of said chapter is amended by striking out the words "with intent to camp and kindle" in the second line of said section and inserting instead thereof the words 'and camp or kindle,' and by striking out the words "take, catch or kill any deer or moose or" in the seventh line thereof, and by striking out the words "with intent to camp and kindle" in the eighth line of said section and inserting instead thereof the words 'and camps or kindles,' so that said section, as amended, shall read as follows:

Non-residents shall not camp on wild lands in certain months unless in charge of a guide.

'Section 20. Non-residents of the state shall not enter upon the wild lands of the state and camp or kindle fires thereon while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, and no registered guide shall, at the same time, guide, or be employed by, more than five non-residents in hunting.

--penalty for violation of this section.

Any such non-resident who shall enter upon the wild lands in the state and camps or kindles fires thereon, while engaged in hunting or fishing without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, in violation of the provisions herein contained, or any guide who shall guide at the same time, or be employed by, at the same time, more than five non-residents

in hunting, shall be fined forty dollars and costs for each offense and be subject to imprisonment for thirty days.'

Section 4. Section seventeen of chapter thirty-two of the revised statutes is hereby amended as follows: By adding thereto the following: 'Provided, however, that if a deer is found doing actual substantial damage to any growing cultivated crops, the cultivator of growing cultivated crops may kill the same, and may consume the same in his own family but not otherwise, but he shall not pursue the same beyond the limits of his cultivated land in which the damage is being done.

Section 17, chapter 32, R. S., amended.

--deer doing actual damage to cultivated crops may be killed by cultivator.

Provided, however, that whoever kills a deer in accordance with the provisions herein contained shall forthwith give notice in writing to the commissioners of inland fisheries and game, at Augusta, Maine, of the fact of such killing and the character and estimated amount of damage done. Whoever fails to give such notice shall in no wise be protected by the provisions hereof.

--written notice shall be given of the fact of killing.

And provided, further, that whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of this act shall in no wise be protected thereby; and provided, further, that it shall be unlawful to place any salt in any place for the purpose of enticing deer thereto, under a penalty of one hundred dollars and costs; and provided, further, that whoever shoots any deer in accordance with the provisions herein contained shall not be entitled to receive any compensation for any damage done his crops by deer.'

--crops shall not be cultivated for the purpose of killing deer.

--salt shall not be placed for purpose of enticing deer.

Section 5. Section twenty-two of said chapter is hereby amended as follows: By inserting after the word "deer" in the third line of said section the words 'or ducks, partridges, woodcock or other birds or wild animals,' and by inserting after the word "dollars" in the sixth line the words 'to hunt bull moose, deer, ducks, partridges, woodcock, and other birds and wild animals during their respective open seasons in October, November and December. But to hunt ducks, partridges, woodcock, and other birds and wild animals during their respective open seasons prior to October first, a license fee of five dollars shall be paid annually. A person having paid the fee of five dollars may procure a license to hunt bull moose and deer by paying ten dollars additional. Such license shall entitle the purchaser to take to his home, in addition as now provided, properly tagged with the tag detached from his license and open to view, ten partridges, ten ducks and ten woodcock that he has himself lawfully killed,' so that the first five lines of said section, and as far as the word "dollars" in the sixth line thereof, as amended, shall read as follows:

Section 22, chapter 32, R. S., amended.

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Non-resident
hunter's
license.

--licenses,
how issued.

--fees for
licenses.

Section 16,
chapter 32,
R. S.,
amended.

Close time
for moose.

--term "calf
moose," how
construed.

Section 30,
chapter 32,
R. S.,
amended.

'Section 22. Persons not bona fide residents of the state and actually domiciled therein, shall not hunt, pursue, take or kill any bull moose or deer, or ducks, partridges, woodcock or other birds or wild animals at any time without having first procured a license therefor as hereinafter provided. Such licenses shall be issued by the commissioners of inland fisheries and game, upon application in writing and payment of fifteen dollars to hunt bull moose, deer, ducks, partridges, woodcock, and other birds and wild animals during their respective open seasons in October, November and December. But to hunt ducks, partridges, woodcock and other birds and wild animals, during their respective open seasons prior to October first, a license fee of five dollars shall be paid annually. A person having paid the fee of five dollars may procure a license to hunt bull moose and deer by paying ten dollars additional. Such license shall entitle the purchaser to take to his home, in addition as now provided, properly tagged with the tag detached from his license, and open to view, ten partridges, ten ducks and ten woodcock that he has himself lawfully killed.'

Section 6. Section sixteen of chapter thirty-two of the revised statutes is hereby amended by inserting the words 'each of' between the words "to" and "their" in the fourth line thereof, and by inserting the words 'not less than three inches long,' after the word "tines" in the fourth line thereof, so that said section, as amended, shall read as follows:

'Section 16. 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 not less than three inches long to each of their horns. No person shall, between the first day of December and the fifteenth of October, 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, kill or have in possession more than one bull moose or part thereof.'

Section 7. Section thirty of said chapter is hereby amended as follows: By inserting after the word "skins" in the second line the words 'and the skins of all other wild animals and the heads of deer if not detached from the skins,' and by striking out the word "deer" in the third line and inserting instead thereof the words 'such heads and,' and by inserting after the word "dollars" in the fifth line the words 'for a county license and ten dollars for a state license,' and by adding at the end of

the section the words, 'whoever buys such skins and heads without being licensed as above provided shall be punished by a fine of one hundred dollars and costs,' so that said section as amended, shall read as follows:

'Section 30. The commissioners may annually issue licenses to suitable persons to buy and sell or tan deer skins and the skins of all other wild animals lawfully taken, and the heads of deer if not detached from the skins. Such persons shall keep a record of all such heads and 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 for a county license and ten dollars for a state license, to be paid to the commissioners and by them to the treasurer of state; and whoever, licensed as aforesaid, unreasonably and wilfully refuses to make such report, shall be punished by a fine of one hundred dollars and costs. Whoever buys such skins and heads without being licensed as above provided shall be punished by a fine of one hundred dollars and costs.'

License may be issued to buy and tan deer skins.

--record shall be kept.

--fee for license.

--penalty for not reporting.

Section 8. Paragraph five of section three of chapter four hundred and seven of the private and special laws of nineteen hundred and three is hereby amended by inserting after the word "day" in the sixth line of said paragraph the words 'by one person.'

Paragraph 5, section 3, chapter 407, private and special laws 1903, amended.

Section 9. Chapter thirty-two of the revised statutes is hereby amended by adding thereto the following section:

Chapter 32, R. S., amended.

'Section 60. Whenever a resident of this state has lawfully killed a bull moose he shall, before taking the same or part thereof outside the limits of the state, procure a license therefor of the commissioners of inland fisheries and game, paying therefor a license fee of five dollars to be expended for the protection of game. Whoever violates any of the provisions of this section shall be punished by a fine of one hundred dollars and costs.'

License fee required for resident of state to take whole or part of bull moose out of state.

Section 10. Section twenty-nine of chapter thirty-two of the revised statutes is hereby amended by inserting after the word "customers" in the fifth line thereof the words 'and may sell the heads of such deer to any licensed taxidermist,' so that the first four lines of said section and as far as the word "provided" in the fifth line thereof, as amended, shall read as follows:

Section 29, chapter 32, R. S., amended.

'Section 29. Any marketman or provision dealer, having an established place of business in the 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 customers, and may sell the heads of such deer to any licensed taxidermist.'

Marketmen may have three deer at one time.

--may sell heads to licensed taxidermist.

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Section 1,
chapter 32,
R. S.,
amended.

Section 11. Section one of chapter thirty-two of the revised statutes is hereby amended by striking out the words "and in Franklin county in which the close time shall be from October first to May first" in the seventh and eighth lines of said section, and by striking out the words "and except Wilson pond in Wilton, in Franklin county, on which the close time shall be from October first until the ice is out of said lake the following spring," in the tenth, eleventh and twelfth lines of said section, and by striking out the words "provided, however, that any person lawfully trolling for trout, landlocked salmon or togue, in good faith, who shall accidentally hook or catch a white perch may lawfully keep the same," in the sixteenth, seventeenth, eighteenth and nineteenth lines of said section, and by striking out the word "forty" in the twenty-seventh line of said section and inserting in place thereof the word 'twenty-five,' and by inserting after the word "day" in the twenty-seventh line the words 'nothing herein shall be construed as repealing any private or special act closing any lake or pond to ice fishing,' so that said section, as amended, shall read as follows:

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

--exceptions,
St. Croix
river.
--Kennebec
county.

--Sebago
lake.
--Long pond.

--regulation
of ice fishing.

'Section 1. There shall be an annual close time for landlocked salmon, trout, togue and white perch, as follows: for landlocked 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 Saint Croix river and its tributaries, and on all the waters of 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 except Sebago lake, and Long pond, in Cumberland county, on which the close time shall be from October first to April 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 landlocked salmon, trout, togue or white perch in any of the waters of the state, or have the same in possession, in close time; and provided, that during February, March and April, citizens of the state may fish for and take landlocked 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 landlocked salmon or trout, or more than twenty-five pounds, or one fish, of togue, in any one day. Nothing herein shall be construed as repealing

any private or special act closing any lake or pond to ice fishing, or otherwise restricting fishing. Whoever violates any provision of this section shall be subject to a penalty of not less than ten nor more than thirty dollars for each offense, and one dollar additional for every fish caught, taken or killed in violation of any provision of this section.'

--penalty for violation of this act.

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

Chapter 32, R. S., further amended.

'Section 61. In addition to the wild birds that may be killed at any time the following shall be included: Mud hens, so called, kingfishers, and blue herons, so called. It shall be unlawful to kill an eagle or vulture at any time under a penalty of ten dollars and costs for each offense.'

Mud hens, kingfishers and blue herons, may be killed at any time.
--penalty for killing an eagle or a vulture.

Approved March 22, 1905.

Chapter 133.

An Act to amend Section nine of Chapter one hundred and eight of the Revised Statutes, relating to the Service of Venires.

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

Section 1. Section nine of chapter one hundred and eight of the revised statutes is hereby amended by inserting after the word "meeting" in the eighth line thereof the words 'at least four days before such meeting' so that said section, as amended, will read as follows:

Section 9, chapter 108, R. S., amended.

'Section 9. The sheriff on receiving such venires, shall immediately send them to the constables of the towns where directed, and to the constables, marshals or deputy marshals of cities, and each constable, marshal or deputy marshal on receipt thereof, shall notify the voters of the town or city, and especially the municipal officers and town or city clerk, by posting notices in two public and conspicuous places therein, and by delivering to at least two of the municipal officers and the town or city clerk written notice of said meeting at least four days before such meeting to assemble and be present at the draft of jurors called for, which shall be six days at least before the time when they are ordered to attend court.'

Distribution of venires and notice of meetings to draw jurors.

Section 2. This act shall take effect when approved.

Approved March 22, 1905.