

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-fourth Legislature

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[supplied from page 1 of volume]

state where the acknowledgment is taken, within the United States; or before a minister or consul of the United States or notary public in any foreign country. The seal of such court or the official seal of such notary or commissioner if he have one, shall be affixed to the certificate of acknowledgment, but if such acknowledgment is taken outside the state of Maine before a justice of the peace, notary public not having a seal, or commissioner, a certificate under seal from the secretary of state, or clerk of a court of record in the county where the officer resides or took the acknowledgment, authenticating the authority of the officer taking such acknowledgment, and the genuineness of his signature, must be annexed thereto.

Any justice of the peace who is a stockholder, director, officer or employee of a bank or other corporation, may take the acknowledgment of any party to any written instrument executed to or by such corporation; provided that such justice of the peace is not a party to such instrument either individually or as a representative of such bank or other corporation.

This section shall not be construed as invalidating any instrument duly executed in accordance with the statutes heretofore in effect, or made valid by any such statute. All such instruments may be admitted to record which at the time of their execution or subsequent validation could be so recorded.

Approved April 13, 1929.

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## Chapter 331.

An Act Relative to Fishing and Hunting.

*Be it enacted by the People of the State of Maine, as follows:*

**Sec. 1. Commissioner and deputy; how appointed.** A commissioner of inland fisheries and game, and a deputy recommended in writing by him, shall be appointed by the governor with the advice and consent of the council, the commissioner to hold office for three years, and the deputy during the pleasure of the commissioner recommending him; and each shall serve until his successor is appointed and qualified. The commissioner shall make a report to the governor on or before the thirtieth day of June of each year, for the year ending December thirty-first prior thereto.

**Sec. 2. Duties.** The commissioner shall have general supervision of the administration and enforcement of the inland fish and game laws. Under his direction his deputy shall assist him in the performance of his duties, particularly in field work and including the inspection of hatcheries and similar property, and in supervision of wardens and inspection of warden service. The commissioner shall have an office at the state capitol

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and adequate facilities for the transaction of the business of his department which shall be known as the department of inland fisheries and game. He may take for scientific purposes fish and game, and may introduce the same into the state and authorize others so to do.

**Sec. 3. Limited power to issue regulations.** Upon petition of a majority of the municipal officers of the town or towns in which the waters or lands to be affected lie, and where said lands or waters lie in unorganized townships then upon petition of a majority of the county commissioners and after reasonable notice and hearing thereon, at which time it is proven and by the commissioner found upon clear and convincing evidence that a grave emergency has arisen since the adjournment of the last session of the legislature, and still exists, the commissioner may while the legislature is not in session regulate for not longer than ninety days after the adjournment of the next legislature, the times, places and circumstances within which wild birds, wild animals, and inland fish may be hunted, fished for, and taken. Provided: the commissioner shall forthwith file a copy of said regulations with the date of adoption thereof, certified by him, with the secretary of state and with the clerk of courts of the counties affected, and shall cause the same to be published three weeks successively in a newspaper published in the county affected; such regulations shall be only in limitation of the state laws and shall not authorize the taking of fish or game within times, places or circumstances prohibited by the laws of the state; the commissioner shall use due diligence to ascertain that the said emergency continues and upon finding that said emergency has passed he shall promptly repeal said regulations giving notice thereof in the same manner as provided for the promulgating of the same; and the commissioner shall cause to be posted notices of said regulations in the areas affected thereby. All such regulations shall have the force of law.

**Sec. 4. Advisory council; powers and duties.** An advisory council, consisting of seven members appointed by the governor with the advice and consent of his council and chosen one from each of the councilor districts, shall render to the commissioner information and advice concerning the administration of the department. Of the first members of the council appointed under the provisions of this act, three shall be appointed for terms expiring the third Tuesday of January, nineteen hundred and thirty-five; two members for terms expiring the third Tuesday of January, nineteen hundred thirty-three; and two members for terms expiring the third Tuesday of January, nineteen hundred thirty-one; thereafter appointment shall be for the term of six years and until successors are appointed and qualified. Upon the death, resignation, or removal from office of any person so appointed, the governor shall appoint, with the advice and consent of his council, a member to serve for the unexpired term. The mem-

bers of the council shall receive no compensation for their services, but shall be allowed expenses not to exceed five hundred dollars for councilors for each fiscal year. The council shall hold regular meetings with the commissioner or his deputy at the state capitol on the first Thursday of January and July annually and special meetings at such other times and places within the state as to him or them seem advisable. At the meeting held on the first Thursday of January each year, the council may elect one of its members as chairman and one as vice-chairman.

**Sec. 5. Commissioner may cause dams, etc., to be provided with fishways; repaired; appeal; proceedings.** Whenever the commissioner, after hearing, fourteen days' written notice of which shall be given to one or more of the owners or occupants of any dam or obstruction hereinafter referred to, determines it expedient that any dam or other artificial obstruction above tidewater in any inland waters frequented by salmon, land-locked salmon, shad, alewives or other migratory fish, be provided with a fishway, he may by order in writing, require the owners or occupants of said dam or obstruction to provide a sufficient fishway, under such conditions as shall be specified in said order, certified copies of which shall be mailed to some owner or occupant of said dam or obstruction. In said order and amendment thereof the commissioner shall prescribe and may change the time during which said fishway shall be kept open for the passage of fish. The commissioner may further order and require the owners or occupants of said dams or obstructions to make repairs and alterations thereto; and if any owner or occupant neglects or refuses to join in proportion to his interest therein, in erecting, maintaining, repairing and altering such fishway so ordered and required, the other owners or occupants shall so do and shall have an action on the case against such delinquents for their proportion of the expense thereof; and if all owners and occupants refuse or neglect so to do, the commissioner may so do and shall have an action on the case against all delinquents for their proportion of the expense thereof. Whenever delinquent owners or occupants as aforesaid reside out of the state, said amounts may be recovered as penalties by libel against said dam or obstruction and the land on which it stands, file in the supreme judicial court in the county where said land is located, in the name of the commissioner of inland fisheries and game, such notice to be given of the pendency thereof as the court in term time or vacation orders; and the court may render judgment therein against said dam, obstruction and lands for said penalties and costs and order a sale thereof to satisfy such judgment and costs, including costs of sale, subject, however, to all said requirements for the erection, maintenance and repair of said fishway.

Any owner or occupant may appeal to any justice of the supreme judicial

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court from any order of the commissioner by filing in the office of the clerk of the supreme judicial court in the county where said dam or other obstruction is located his notice in writing of such appeal containing the reasons therefor within fourteen days after the mailing of the copy of said order to any owner or occupant of the premises as above provided. If any such appeal is denied, full costs may be taxed against the appellant.

**Sec. 6. Fish and game culture.** The commissioner may, after hearing, set apart, for a term not exceeding ten years, any inland waters for the use of the state or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds in the county or registry district in which they are situated. In the waters so set apart, he 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 person shall take or kill any fish, or use any implement for fishing therein. He may grant permission to take wild animals and wild birds for park and exhibition purposes in this state, under such rules, regulations, and conditions as he shall establish.

He may cause the destruction of any mink or other destructive animal or bird found in or around any fish hatchery or feeding station in this state.

He may grant permits to transport in and beyond the limits of the state, live fish, wild animals, or game birds taken in the state, for breeding or advertising purposes. He may upon hearing, permit the taking of pickerel, perch and other fish in specified waters, subject to such conditions as he may prescribe, whenever it appears that said fish seriously injure the propagation of or the fishing for any game fish.

He may issue permits to any person, firm or corporation to engage in the business of propagating game birds, game, or fur-bearing animals under such regulations as he shall establish. He may issue to any person, firm, or corporation permit to fence in or enclose land for the above named purpose. When it appears that such application is made in good faith, and upon the payment of an annual fee of ten dollars, said commissioner may issue to the applicant a breeder's license permitting the breeding and rearing of any species of game birds or fur-bearing animals within such enclosure. Such licensed breeders may at any time sell, transport, or kill and sell, and any person, firm, or corporation may purchase, have in possession, or transport any game birds, game, or fur-bearing animals or the skins thereof, raised by virtue of the provisions of this section, under such regulations as said commissioner may establish. No person shall engage in the business of breeding or rearing any game birds or game or

fur-bearing animals at any time without first having procured a breeder's license as provided in this section.

Every licensed game or fur farmer and every person authorized to take birds or wild animals or fish for scientific purposes shall, on or before the thirty-first day of December of each year, make detailed report to said commissioner of all they have done during the year by virtue of such license or permit, on blanks to be furnished by the said commissioner of inland fisheries and game.

**Sec. 7. Real estate may be taken for fish hatcheries.** The commissioner of inland fisheries and game for the location, construction, repair and convenient operation of a fish hatchery or fish hatcheries and feeding stations for fish may purchase, lease, or take and hold, for and in behalf of the state, as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting, and operating fish hatcheries. For real estate so taken, the owners are entitled to damages, to be paid by the state and estimated by the county commissioners, on written application of either party, made within one year after filing the location as hereinafter provided, or if proceedings thus commenced fail for causes not affecting the merits, new ones may be commenced within one year thereafter. When the commissioner of inland fisheries and game deems that a public exigency requires the taking of any land or rights for the purposes aforesaid, they shall cause the same to be surveyed, located, and so described that the same can be identified, and a plan thereof shall be filed in the registry of deeds in the county, or registry district, where the land or rights are located, and there recorded. The filing of such plan and description shall vest the title to the land and right aforesaid, in the state of Maine, or its grantees to be held during the pleasure of the state. Either party, if aggrieved by a decision of the county commissioners rendered in conformity with the provisions of this section, may appeal as in cases of land taken for highways to the supreme judicial court in the county in which the land is situated.

**Sec. 8. Outlets of lakes may be screened.** The commissioner may authorize, alter, and remove the screening of any inland waters, and shall, upon application, make suitable provision for the passage of logs, lumber and pulpwood in any floatable waters of the state so screened. The commissioner may prohibit fishing within five hundred yards of any screen installed by authority of the department or of the legislature. No person shall take up, destroy or injure any such screen or fish in waters closed to fishing by this section.

**Sec. 9. Inland fish and game wardens; appointment; tenure; duties; bond; service of processes.** The governor, with the advice and consent



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of the council, upon the recommendation of the commissioner of inland fisheries and game may appoint suitable persons as inland 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 inland fish and game wardens shall have the same power to serve criminal processes against such offenders, and to arrest and prosecute camp trespassers, or those suspected of larceny from any cottage, camp, or other building, 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. All wardens and state paid deputy wardens shall, before being qualified to discharge the duties required by this chapter, give bond to the treasurer of state, in the sum of two thousand dollars, with two sureties, or with a surety company authorized to do business in the state, as surety, approved by the commissioner 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.

**Sec. 10. Deputy wardens; tenure, duties and powers.** The commissioner of inland fisheries and game may appoint inland fish and game deputy wardens and may revoke such appointment at any time. The appointment and discharge of such deputy wardens shall be in writing, and they shall have the same powers and be subject to the same laws, as inland fish and game wardens appointed by the governor and council. All such appointments shall terminate with the calendar year in which the appointment is made.

**Sec. 11. Sheriffs, etc., vested with like powers of wardens.** Sheriffs, deputy sheriffs, police officers, and constables are vested with the powers of inland fish and game wardens, and shall receive for their services the same fees. State paid wardens under sections ten and eleven shall hold no other office for compensation by state or county.

**Sec. 12. Guides to be registered; must furnish commissioner with information.** No person shall engage in the business of guiding, either for inland fishing or forest or shore hunting, until he has procured a certificate so to do from the commissioner. Each registered guide shall, from time to time, as often as requested by the commissioner, forward, on blanks furnished him by the commissioner, a statement of the number of persons he has guided during the time called for in said statement, the number of days he has been employed as a guide, and such other information relative to inland fish and game, forest fires, and the preservation of the forests

in the localities where he has guided, as the commissioner may deem of importance to the state.

**Sec. 13. Guides divided into classes; fees; registration may be revoked.** Such registration shall be as follows: The applicant shall apply in writing to the commissioner for registration, setting forth in his application whether he desires to be registered as a general or local guide; and the commissioner may, upon sufficient proof of his competency, register such person as a general or local guide; and said commissioner may, for cause shown, after due notice and hearing, cancel any registration by him made, and may advance anyone from the local class to the general class, whenever he shall deem such person qualified to be a general guide. A fee of one dollar shall be paid annually for the registration as herein provided. Non-residents may be so licensed for restricted areas upon payment of a fee of twenty dollars.

Whenever a guide registered, as provided in this section, is charged with having violated any of the inland fish and game laws, the commissioner may suspend his certificate of registration; and whenever a guide so registered is convicted of a violation of the inland fish and game laws, said commissioner may cancel his registration; but such person may thereafter be registered again at the discretion of the commissioner. Any certificate cancelled or suspended by virtue of this section shall be immediately returned to the commissioner.

**Sec. 14. Fishing licenses.** No resident of the state over eighteen years of age and no non-resident of whatever age, shall fish in any inland waters of the state except in accordance with the following provisions:

(1) Any resident of the state and his immediate family may, without license, fish in open waters in accordance with the laws of the state, on land owned by him, on which he is actually domiciled, and which is used exclusively for agricultural purposes.

(2) Each resident of the state and each non-resident shall purchase from the commissioner or his authorized agent the written license of the commissioner, which shall be kept upon the person while fishing or transporting fish, and shall be exhibited to any warden, employee of this department, or guide, upon request. The clerks of all towns are such authorized agents and for the issuance of non-resident licenses the commissioner may, subject to recall at his pleasure, designate additional agents. License shall be issued to a resident by the clerk of the town in which he resides, or if he is domiciled in an unorganized place, then by the clerk of the nearest town, upon payment of a fee of sixty-five cents, of which fifteen cents shall be retained by the town clerk.

(3) Non-resident licenses shall be of two classes, a month license to

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cost three dollars and fifteen cents, effective for thirty days from the date thereof, and a season license, effective for the entire season, to cost five dollars and fifteen cents, but the amount paid for a month license shall be credited on the purchase of a year license. Fifteen cents shall be retained by the agent.

(4) Each season license shall expire on December thirty-first of the calendar year in which it is issued. Each agent shall on the first of each month forward to the commissioner, the net funds by him collected, together with a report containing a list of the persons to whom he has issued licenses since last report, the class of each license; and said funds shall be promptly forwarded to the state treasurer.

(5) No person shall offer to a carrier and no carrier shall accept for carriage or shipment any fish except upon exhibition of the license either in person by the licensee or accompanied by writing signed by the licensee and requesting the shipment, which writing the carrier shall retain until the end of the calendar year for inspection and use by the department.

(6) Upon conviction of any violation of the laws relating to fishing the commissioner may revoke any such license, and upon a second or subsequent conviction may direct and prevent the issuance of license to the person convicted for not exceeding two years in addition to the year in which the violation occurs. Failure to produce a license within a reasonable time shall be prima facie evidence of the violation of this section.

(7) The funds collected by agents shall constitute a propagation fund so-called, to be expended under the direction of the commissioner for the sole purpose of the propagation and distribution of fish in the inland waters of Maine and facilities therefor. Said fund shall not lapse from year to year, but funds so collected in any one year may be used in that or any succeeding years for said purpose.

**Sec. 15. Hunting and trapping; terms defined.** In addition to the definition of words and terms mentioned in section one are the following:

a. Hunting means to pursue, catch, take, kill, wound, or destroy wild birds and animals.

b. Alien is an unnaturalized foreign born person who is not a tax payer upon real estate in Maine and has not resided in Maine for the past two years continuously.

c. Jacklight when hunting means any artificial light when used in conjunction with a rifle larger than twenty-two caliber and a twenty-two hipower is considered larger, or a shotgun loaded with buckshot or ball shells.

d. To trap shall also mean trap for.

**Sec. 16. Hunting licenses.** No person shall hunt or have in his posses-

sion any wild bird or animal except in accordance with the following provisions :

1. Any resident and his immediate family may without license hunt on land owned by him, or leased by him and on which he is actually domiciled and which is used exclusively for agricultural purposes.

2. No resident shall otherwise hunt or have in his possession any wild bird or wild animal without first having procured from the commissioner or his authorized agent a written license which shall be kept upon the person while hunting or transporting such birds and animals and exhibited to any warden, employee of this department or guide upon request. The clerks of all towns are such authorized agents, and the commissioner may appoint additional agents. The license shall be issued to a resident by the clerk of the town in which the applicant resides, or if domiciled in an unorganized place, then by the clerk of the nearest town, upon payment of a fee, of sixty-five cents, of which fifteen cents shall be retained by the town clerk. A combination hunting and fishing license may be issued on payment of one dollar and fifteen cents, fifteen cents to be retained by the town clerk.

3. No non-resident or alien shall hunt or have in his possession any wild bird or animal without first having procured from the commissioner or his authorized agent a written license which shall be kept upon the person while hunting or transporting such birds and animals and exhibited to any warden, employee of this department or guide upon request. In addition to town clerks the commissioner may, subject to recall at his pleasure, designate additional agents to issue licenses.

The license to hunt wild birds, rabbits, raccoons, foxes and unprotected wild birds or wild animals only shall be issued on payment of five dollars and fifteen cents and to hunt both wild birds and wild animals on payment of fifteen dollars and fifteen cents, of which fifteen cents shall be retained by the agent issuing the license.

4. Each license shall expire on December thirty-first for the calendar year for which it is issued. Licenses may be issued prior to the date upon which such license may be in force. Application blanks and licenses shall be furnished by the commissioner in such form as he shall designate.

Each agent shall on the first of each month forward to the commissioner a report containing a list of the persons to whom he has issued licenses since his last report, the class of each license and the total amount of the funds by him collected, and shall at the same time forward to the commissioner the funds by him collected less the amount of fifteen cents, as above provided for each license, which funds shall be deposited in the state treasury by said commissioner.

5. Failure to produce such license within a reasonable time when re-

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quested by any authorized person shall be prima facie evidence of the violation of this act.

6. Hunting licenses shall not be issued to any person under eighteen years of age unless the written consent of the parent or guardian is attached to the application, but any resident under eighteen years of age may hunt without a license.

7. The funds collected by agents and commissioner shall constitute a fund to be expended under the direction of the commissioner for the propagation and protection of wild birds, fish and animals. The fund shall not lapse from year to year but any funds collected in any one year may be used for that year and any succeeding year for said purposes.

**Sec. 17. Closed seasons on birds.** No person shall hunt or have in his possession any eagle, Hungarian partridge or capercailze, cock of the woods or any black game or species of the pheasant except ruffed grouse or partridge.

There shall be a closed season on birds as follows: On partridge and woodcock from November first to September thirtieth of the following year, both days inclusive; on all varieties of ducks, brant, geese and coots, gallinules and jacksnipe, or Wilson snipe, from January first to September fifteenth, both days inclusive; rails, except coots and gallinules, from December first to September first, both days inclusive; provided further, that it shall be unlawful to hunt at any time, any curlew, wood duck, swans, or any shore birds except as aforesaid and no person shall, during the open seasons for the above-named birds hunt or have in possession in any one day more than four partridge or ruffed grouse, four woodcock, ten ducks, five plover and two snipe, eight geese, eight brant, rails, coots and gallinules twenty-five in all and twenty-five sora; or in any one open season for partridge or ruffed grouse more than twenty-five of said birds; nor shall any person at any time buy or sell any of the above-named birds; nor shall any person or corporation carry or transport from place to place any of the birds mentioned in this section in closed season, except that a person shall have a reasonable time after the beginning of closed season to transport, as hereinafter provided, to his home, game birds legally killed by him in open season, nor in open season unless open to view, tagged and plainly labeled with owner's name and residence, and accompanied by him, unless tagged with a transportation tag as hereinafter provided; nor shall any person or corporation carry or transport in any one day, more than ten ducks, five plover, ten snipe, five partridge and four woodcock, as the property of one person. Provided, however, it shall be lawful for a citizen of this state who has purchased a transportation tag, paying therefor five dollars, to take with him out of the state birds which he himself has lawfully killed. Provided, further, that any citizen of this state who has

lawfully in his possession, one pair of either of the birds named in this section, may send the same anywhere in this state without accompanying the same, by purchasing therefor a transportation tag, paying therefor fifty cents, and attaching said tag to the pair of birds. Provided, further, that no person shall under any of the provisions of this paragraph send as aforesaid more than one pair of game birds once in seven days.

**Sec. 18. Nets, snares, prohibited.** No person shall hunt with net, trap, snare or contrivance other than the usual method of shooting with a gun, which gun shall not be larger than number ten gauge, any bird of any variety in anywise protected by law and such prohibited implements or devices are contraband and may be seized and ordered destroyed as in the case of gambling devices.

**Sec. 19. Use of decoys.** Not more than twelve live decoys shall be allowed in any one flock when hunting water fowl. Only one flock at the same time may be placed in the water by one boat or blind. No flock shall be placed nearer than fifty yards to a flock already set or being set.

No boat shall be allowed in said waters for hunting purposes earlier than one and one-half hours before sunrise, nor shall any duck decoys be allowed to remain in said waters between the hours of sunset and one hour before sunrise.

No artificial cover which is termed stationary blind or parts thereof used for gunning purposes shall be left or allowed to remain in the waters of Merrymeeting bay in the counties of Cumberland and Sagadahoc, or the tributaries thereof, excepting Kennebec river, within one mile of the waters of Merrymeeting bay, between one-half hour after sunset and one-half hour before sunrise.

This section shall apply to the waters of the Kennebec river up to a point one mile above Swan's Island.

**Sec. 20. Wild birds protected.** No person shall have in his possession, living or dead, any wild bird, other than a game bird. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. Nor shall any person take or needlessly destroy the nest or the eggs of any wild bird, nor have such nest or eggs in possession. The English or European house sparrow, the common crow, and the hawks, owls and kingfishers, are not included among the birds therein protected; and for the purpose of this chapter the following only shall be considered game birds: The anatidae, commonly known as swans, geese, brant, and river and sea ducks; the rallidae, commonly known as rails, coots and gallinules; the limicolae, commonly known as shore birds, plover, surf birds, snipe, woodcock, sandpipers, tatlers, and curlews; the gallinae, commonly known as wild turkey, grouse, prairie chickens, pheas-

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ants, partridges and quails. Nothing in this section, however, shall be construed to affect in any way the protection of game birds as hereinbefore provided.

**Sec. 21. Certain boats prohibited.** No person shall at any time use a boat propelled by any other mode than the ordinary sailboat, rowboat or canoe in hunting any sea birds, duck or waterfowl in any inland or tidal waters of this state.

**Sec. 22. Importation birds and animals prohibited.** No person shall introduce or import any wild bird or wild animal, except for captivity purposes, or dead body or part thereof, of any kind or species into the state, or receive or have in possession such wild bird or wild animal, or dead body or part thereof, so introduced or imported, without written permission of the commissioner.

**Sec. 23. Game sanctuaries.** Game sanctuaries as heretofore established shall continue, within the limits of which the provisions of section sixty (c) shall apply. It shall be perpetual closed time on wild birds and wild animals within all so-called game preserves, or closed territories.

No person shall at any time hunt, chase, catch, kill or destroy any wild birds or wild animals or have in his possession firearms of any description within the limits of any game preserve or closed territory.

**Sec. 24. Closed season on moose and caribou.** No person shall hunt or have in his possession any caribou or moose or parts thereof, except as may otherwise be provided by other laws passed at this session of the legislature.

Provided, however, that the commissioner upon application of any person who has legally killed a caribou or moose beyond the limits of this state may issue a license permitting the importation of such caribou or moose for consumption or mounting but not for sale.

**Sec. 25. Closed season on deer.** There shall be an annual closed season on deer in the counties of Aroostook, Franklin, Oxford, Penobscot, Piscataquis and Somerset, from December first of each year to October fifteenth of the following year, both days inclusive; and in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York, from the first day of December of each year to the thirty-first day of October of the following year, both days inclusive, and in the counties of Hancock and Washington from December sixteenth of each year to October thirty-first of the following year, both days inclusive, except in game sanctuaries as hereinbefore set forth, where closed season is perpetual, during which said closed seasons, except as hereinafter provided, it shall be unlawful to hunt any deer or have in possession any part there-

of; and no person shall during the open seasons above named, except as hereinafter provided, kill or have in possession, more than one deer or part 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 closed season.

Provided, however, that if a deer is found doing actual, substantial damage to any growing cultivated crops, the cultivator of such crops may kill the deer, and may consume said deer in his own family but not otherwise; but he shall not pursue the deer beyond the limits of his cultivated land in which the damage is being done; provided, that whoever kills a deer in accordance with the provisions herein contained shall forthwith give notice in writing to the commissioner 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. Whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of this paragraph shall in no wise be protected thereby; and it shall be unlawful to place salt in any place for the purpose of enticing deer thereto. Any dead deer found in the woods not having a tag identifying the owner thereof shall be subject to seizure and confiscation by the department.

**Sec. 26. Jacklights, etc., prohibited.** No person shall at any time hunt with a dog, jacklight, artificial light, snare, trap, swivel, pivot or set gun, any deer, caribou or moose.

**Sec. 27. Sale of jacklights prohibited.** No person shall expose or offer for sale, sell or purchase in this state any jacklight or light fitted for use in hunting in the night time. No person shall have in possession at any time when he is upon the wild lands, water or highways, or in the woods or fields of the state, or in any camp, lodge, or place of resort for hunters or fishermen, or in its immediate vicinity, any jacklight or light fitted for use in hunting in the night time, or any swivel, pivot or set gun; nor shall any person have in possession at any time any spear, trawl or net, except such as are authorized for the taking of suckers, eels, hornpouts and yellow perch, as provided in section twenty-seven of this chapter, in any camp, lodge or place of resort for hunters or fishermen or in its immediate vicinity, or on any of the lakes, rivers or streams of the state, or in their immediate vicinity, in the inland territory of the state. Nothing in this section shall be construed as affecting or restricting the legitimate possession and sale of flashlights.

**Sec. 28. Dogs hunting deer.** No person shall own or have in his possession any dog for the purpose of hunting moose, caribou or deer or permit any dog owned by him or in his possession to hunt moose, caribou or deer,



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after notice in writing from the commissioner or game warden or deputy warden that such dog is liable to hunt moose, caribou or deer, or shall permit any dog in his custody after such notice to run at large in the forest or wild lands in this state without being accompanied by the owner or keeper. If a dog is found hunting moose, caribou or deer after the owner or possessor thereof has been notified, as provided in this section, that such dog is liable to hunt moose, caribou or deer, it shall be prima facie evidence that said owner or possessor of such dog has permitted said dog to hunt moose, caribou or deer in violation of this section.

**Sec. 29. Dogs hunting moose, caribou or deer may be killed.** Dogs may be killed, when warden or deputy warden, sheriff, deputy sheriff or constable may at any time lawfully kill any dog he may find in the act of hunting moose, caribou or deer, or he may find worrying, wounding or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of sheep, or any member of his family, or any person to whom is intrusted the custody of any sheep, shall have a right to kill any dog attacking any of said sheep. Any person having any evidence of any dog hunting moose, caribou or deer, or of any dog kept and used for the purpose, or of any dog worrying, wounding or killing any domestic animal or fowl, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge of any municipal court, which said trial justice or judge shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing the evidence in said case said court may order said dog killed. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding.

**Sec. 30. Taking deer out of state prohibited.** No person shall sell or give away any deer or part thereof to be transported or carried beyond the limits of this state nor shall any person buy or accept as a gift any deer or part thereof to so transport the same; nor shall any resident of this state at any time carry or transport in any manner beyond the limits of this state any deer or part thereof.

**Sec. 31. Transportation of deer.** Except as herein provided no person or corporation shall at any time carry or transport any deer or part thereof unless open to view, tagged, and plainly labeled with the name and residence of the owner thereof, and accompanied by him while being transported and identified by him at one of the places which the commissioner shall have designated by publication in the daily newspapers in the state. No person not the actual owner of such deer or part thereof, shall aid

another in such transportation by representing himself to be the owner thereof, and it shall be prima facie evidence that said deer, or part thereof, that is being transported or carried in violation of this section was illegally killed.

**Sec. 32. Shipment of deer.** Any citizen of the state who has lawfully killed a deer may send the same to his home in his own name, or to any hospital in the state, without accompanying the same, by purchasing of an agent appointed therefor by the commissioner a tag, paying therefor two dollars, and said tag shall be attached to the deer, or part thereof, being transported.

The commissioner may appoint agents to sell these tags.

**Sec. 33. Possession of deer in lumber camps prohibited.** No owner or keeper of any camp, house, or other building, used partly or wholly in lumbering operations, or employee thereof, shall use, consume, or have in possession at any time, at said camp, or serve to any employee thereof, any deer or moose or part thereof.

**Sec. 34. Sunday closed season.** Sunday is a closed season, on which it is not lawful to hunt any wild animals or wild birds of any kind.

**Sec. 35. Hours for hunting.** There shall be a closed season on wild birds in this state from sunset to half an hour before sunrise of the following morning, and on wild animals from one hour after sunset until one hour before sunrise of the following morning, during which closed season it shall be unlawful to hunt, kill or destroy any wild bird or wild animal of any kind except skunks and raccoons, as provided in section sixty-one. No person shall have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section.

**Sec. 36. Hunting from automobiles prohibited.** It shall be unlawful for any person to hunt any wild bird or wild animal at any time from an automobile, or by aid or use of any light or lights carried thereon or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section. No person shall have a rifle or shotgun, either loaded or with a cartridge in the magazine thereof, in or on any motor vehicle while the same is upon any highway or in the fields or forests.

**Sec. 37. Silencers prohibited.** No person shall sell, offer for sale, use or have in his possession, any gun, pistol, or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms

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and the device or silencer, and shall further be subject to the penalties of this act. Any sheriff, deputy sheriff, constable, warden or deputy warden may seize any firearm and any device or silencer found in possession of any person in violation of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold, the proceeds to be paid to the treasurer of state, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the national guard in the performance of its duty.

**Sec. 38. Closed season on gray squirrels.** There shall be an annual closed season on gray squirrels during which closed season no person shall shoot at, kill, or have them in possession except alive, from the first day of November of each year until the thirtieth day of September of the following year, both days inclusive; provided, however, that there shall be a perpetual closed season on gray squirrels within all public or private parks and within the limits of the compact or built-up portion of any city or village.

**Sec. 39. Closed season on hares.** There shall be an annual closed season on wild hares or rabbits in the counties of Androscoggin, Sagadahoc, Cumberland and York during the months of March to October of each year, and in the counties of Aroostook, Washington, Hancock, Penobscot, Piscataquis, Somerset, Franklin, Oxford, Kennebec, Knox, Lincoln and Waldo during the months of April to October of each year, during which closed seasons it shall be unlawful for any person to hunt or have any rabbits or parts thereof in possession, except alive.

No person shall set or use any snare or snares, trap or traps or any other device in the hunting of wild hares or rabbits, or hunt the same in any manner except in the ordinary method of shooting with guns in the usual manner; provided, however, it shall be lawful to catch wild hares or rabbits in common box traps during the open seasons provided in this section. Provided, further, it shall be unlawful for any person or corporation to transport or offer for transportation at any time any dead wild hares or rabbits beyond the limits of the state of Maine. The provisions of this section shall not be construed to prohibit the holder of a non-resident hunting license from transporting to his home dead wild hares or rabbits which he has legally killed by virtue of his said non-resident hunting license, upon presentation of said wild hares or rabbits and his hunting license to a transportation company or to an inspector appointed by the commissioner to inspect game shipments, and having an official transportation tag attached thereto, after being identified by said transportation agent or game inspector as the holder of said license. Provided, further,

it shall be unlawful for any person to have in possession or transport at any time any wild hares or rabbits taken in closed season or by any method or with any device prohibited by this act.

**Sec. 40. Beaver trapping regulated.** The commissioner, upon written complaint of any water company required to furnish pure water to its customers, that beaver or muskrat are polluting its water supply, shall have authority to declare an open season for beaver or muskrat on such sections of land and waters as is necessary for the trapping or removal of the beaver or muskrat that are polluting said waters, by any person holding a beaver trapping license without securing permission of the land owner (or under rules and regulations of the commissioner), or upon written complaint of any land owner that beaver are doing actual, substantial damage to his property, shall have authority to declare an open season for beaver upon such land for such period of time and under such conditions as he may deem necessary to remove the beaver that are doing the damage complained of, during which open season it shall be lawful for any person holding a beaver trapping license issued in accordance with the provisions of section sixty-three of this chapter to trap beaver thereon without the consent of the land owner. No open season for beaver as contemplated by this section shall take effect until the commissioner shall have caused notice of such proposed open season to be published once in a newspaper printed in the county in which the land on which the open season for beaver is declared is located, and said commissioner shall also file copy of said notice of open season with the clerk of the town or plantation in which such land is located; or, if the land is in an unorganized place, with the clerk of courts for the county in which the land is located. Whenever during a special open season on beaver as is contemplated by this section it shall appear to the commissioner that the privileges of such open season are being abused in any place, he may suspend the open season and declare it close season for beaver on such land for such time as he may designate. No person shall take beaver anywhere in the state at any time except during such open season as may be declared by the commissioner in accordance with the provisions of this section. It shall also be unlawful for any person to have in possession at any time any beaver, or part thereof, taken in violation of any provision of this section. It shall also be unlawful for any person, firm or corporation, to sell, give away, buy, accept as a gift, offer for transportation or transport any beaver skin or beaver skins unless each skin is marked with an official seal by the commissioner or by his agent duly appointed to mark such skins. All beaver skins shall be marked within thirty days from the closing of the open period.

**Sec. 41. Trapping season regulated.** Whoever from the first day of

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February to the fifteenth day of November, both days inclusive, hunts or traps any fur-bearing animal except wild hares and rabbits, beaver, bobcats, loup-cervier or Canada lynx, or whoever has in possession at any time any fur-bearing animal or part or parts thereof taken in closed season, shall be subject to the penalties of this act.

(a) Provided, further, it shall be unlawful for any person to set a trap at any time within twenty-five feet of, or to molest or destroy, a muskrat house.

(b) Whoever at any time hunts or traps for or has in possession any beaver, or part thereof, except as provided in the preceding section, and whoever molests or destroys a beaver house, or sets a trap within twenty-five feet thereof, shall be subject to the penalties of this act.

(c) Provided, however, that any person may lawfully kill any wild animal (other than beaver) or any wild bird found destroying his property.

(d) Provided, further, that it shall be lawful to hunt skunks and raccoons at night with dog or gun from the first day of October of each year to the fifteenth day of the following December, both days inclusive.

(e) Provided, further, that fox hounds when properly collared, showing name and residence of the owner or keeper, may be trained under the supervision of their owner or keeper from September to November fifteenth.

(f) Provided, further, that it shall be unlawful to hunt or trap foxes from the fifteenth day of February to the first day of December, in Cumberland, Knox, Lincoln, Sagadahoc or York counties.

**Sec. 42. Molestation of fox dens prohibited.** No person shall at any time dig out, molest, or destroy, in any way, any hole or set any trap in such den, or remove or cause to be removed from any hole any fox except those enclosed in private fox ranches.

**Sec. 43. Trapping licenses.** Any resident who traps for any fur-bearing animal except bob cats and rabbits shall annually procure a license therefor from the commissioner, paying therefor ten dollars; provided, however, that the annual fee for such trapping within the limits of cities, towns and plantations of the state shall be five dollars; provided, further, that whoever hunts or traps for any beaver on any land in the state opened to beaver trapping by said commissioner shall pay therefor a fee of ten dollars annually, and an additional fee of two dollars for the sealing and stamping of each skin as required by law, skins to be so sealed and stamped by chief game wardens. The fee for a non-resident or alien for a trapping license shall be fifty dollars. The provisions of this section shall not be construed as applying to minors under eighteen years of age who desire to trap for fur-bearing animals except beaver (for which a ten dollar

license is required) in any of the organized townships of the state, nor as affecting the right of a resident or his immediate family to hunt or trap for fur-bearing animals (except beaver) in accordance with the laws of the state, without such trapping license on land owned by him or on land leased by him within the limits of an organized township and which land is (or where he has obtained the right to trap from the land owner in an organized township) used exclusively for agricultural purposes.

Each person licensed under the provisions of this section shall on or before the thirty-first day of December of each year, make such report to said commissioner as may be called for by him.

Whoever traps for any fur-bearing animal in violation of any provision of this section, or whoever fails to file the annual report required by this section, or whoever has in possession at any time any fur-bearing animal or part thereof, taken in violation of any provision of this section shall be subject to the penalties of this act.

**Sec. 44. Snares and poison prohibited.** No person shall set a snare or a swivel, pivot or set gun or use or deposit any poisonous or stupefying substance for any fur-bearing animal, and shall forfeit any such snare, swivel, pivot or set gun, and any fur-bearing animal found in such snare, or killed by such swivel, pivot, or set gun or poisonous substance to the state; provided, further, that no person shall advertise or give notice of the sale, or keeping for sale, of any such snare, swivel, pivot or set gun, or poisonous substance for fur-bearing animals; nor shall any person set any trap for any wild animal without having the trap plainly labelled with his full name and address and shall forfeit to the state the trap or traps not so marked and any wild animal found therein; provided, further, that no person shall set a bear trap unless the same is enclosed in a hut, so-called, or by at least two strands of barbed wire, one four and one five feet from the ground, said wire to be securely held in position and to be not less than five yards at any point from the enclosed trap.

**Sec. 45. Poison prohibited.** Whoever for the purpose of killing wolves, foxes, dogs or other animals, and not for the destruction of insects, or vermin in a building, leaves or deposits in any place any poison or poisonous substance shall be subject to the penalties of the act.

**Sec. 46. Visiting traps.** Any person setting a trap in any organized or incorporated place shall visit or cause the same to be visited, at least once in every twenty-four hours, except water-sets, so-called, for mink and muskrat, and remove therefrom, or cause to be removed, any animal found caught therein. No person shall set a trap on or within one mile of any cultivated land or pasture in any organized or incorporated place without first obtaining the written consent of the owner or occupant of

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the land on which said trap is to be set, or set a trap outside his own land, except a water-set trap, so-called, within half a mile of the compact or built-up portion of any city or village.

**Sec. 47. Bounty on bob-cats.** A bounty of ten dollars for every bob-cat, loup-cervier or Canada lynx killed in any town shall be paid by the treasurer of state to the person killing it upon compliance with the following conditions:

No bounty shall be paid unless the claimant, within five 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, nose and tail thereon in as perfect a state as when killed, except natural decay, and signs a certificate under oath, which said treasurer may administer, stating that he killed such animal and the time and place within the state, and the treasurer shall thereupon cut off the whole of the tail from the skin and forward the same by mail to the commissioner at Augusta, Maine, together with the claimant's certificate in the following form:

## CLAIMANT'S CERTIFICATE

To the treasurer of the town of.....

I hereby certify that on the.....day of....., A. D., 19...., at....., in the State of Maine, I killed the bob-cat, loup-cervier or Canada lynx, 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., 19....

....., Claimant.

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

Treasurer of.....

And the treasurer of said town shall make and send at once to the commissioner a certificate in the following form:

## TOWN TREASURER'S CERTIFICATE

To the commissioner of inland fisheries and game:

I hereby certify that as required by law, ..... of.....on the.....day of....., A. D., 19...., at....., exhibited to me the whole of the skin of a bob-cat, loup-cervier or Canada lynx, and signed and made oath to the following certificate:

To the treasurer of the town of.....

I hereby certify that on the.....day of....., A. D., 19...., at....., in the State of Maine, I killed the bob-cat, loup-cervier or Canada lynx, 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., 19....

....., Claimant.

I further certify that I cut off the whole of the tail from the skin of the bob-cat, loup-cervier or Canada lynx described in this certificate, and enclose the same herewith.

Dated at....., this.....day of.....,  
A. D., 19....

....., Treasurer of the town of.....

Subscribed and sworn to the day and year aforesaid.

....., Justice of the Peace.

Upon receipt by the state auditor of a certificate from the commissioner showing that said commissioner has received the tail of the bob-cat, loup-cervier or Canada lynx from the treasurer sent as aforesaid, together with said treasurer's certificate, said state auditor shall audit the claim for bounty and the same shall be paid forthwith by the treasurer of state to the claimant from the appropriation for bounties on bob-cat, loup-cervier or Canada lynx. The town treasurer for administering the oath to a claimant's certificate as above, and for forwarding the same with the tail of the animal to the commissioner shall be paid by the claimant the sum of twenty-five cents.

**Sec. 48. No transportation without license.** It shall be unlawful for any person to offer for transportation to any carrier and no carrier shall accept for transportation any game birds or animals, unless such person shall have in his possession at the time a license as herein provided, duly issued to him under the provisions of this act.

**Sec. 49. Revocation of license.** If the holder of a license issued by virtue of this act violates any of the game laws said license may be revoked by the commissioner at his discretion, and no new certificate shall be issued for a period of six months thereafter to such person.

**Sec. 50. Transporting and shipping of deer or game birds.** No person shall transport any deer or part thereof, for any non-resident, otherwise than as provided in this act. No carrier or agent shall receive for shipment or transport any carcass of a deer or part of the same or any game birds, for a non-resident, except as provided in this act, or refuse or neglect to detach and forward to the commissioner at Augusta, Maine, the sections of the coupons as therein provided; provided, however, that any person who has purchased a non-resident hunter's license and who has in his possession one pair of game birds which he has legally killed, may transport the same to his home or to any hospital in this state without accompanying the shipment, by purchasing of the duly constituted agent



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therefor a tag, paying him fifty cents, and by presenting said tag with the pair of game birds offered for shipment to the agent of the carrier, together with his non-resident hunter's license. Before accepting a pair of game birds for shipment as herein provided, the agent of the carrier to whom it is offered for shipment shall be satisfied that the person presenting the pair of game birds for shipment is the person to whom the non-resident hunter's license offered for inspection was issued, and shall securely affix the tag to such shipment; provided, further, that no person shall send more than one pair of game birds under a special tag, as provided herein, once in thirty days.

Provided, further, that no non-resident shall transport, or have transported, by any means any wild animals or wild bird, or part thereof, unless the same is tagged with the proper tag or tags detached from the owner's hunting license and unless said tag or tags bear the written approval of a warden, deputy warden or the commissioner. If any wild bird or wild animal, or part thereof, is found in possession of any person in violation of any provision of this paragraph, the same is subject to seizure and may be seized by any officer authorized to enforce the inland fish and game laws.

**Sec. 51. Non-residents to have guide.** Non-residents shall not enter upon any unorganized townships, except public camp sites maintained by the Maine forestry department, during the months of May to December and kindle fires thereon while camping or engaged in fishing or hunting without being in charge of a registered guide, or engaged in hunting in such territory, during the open season without being in charge of a registered guide and no such guide shall at the same time guide or be employed by more than five non-residents in hunting.

**Sec. 52. Licensing of taxidermists.** The commission may upon application, license as a taxidermist one who is skilled in that art, and of good reputation; residents shall pay an annual fee of five dollars and unnaturalized, foreign-born residents shall pay an annual fee of twenty-five dollars, for such license; taxidermists licensed as aforesaid may at all times have in their possession, at their places of business, fish and game lawfully caught or killed in open season for the sole purpose of preparing 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 and limitations as may be made by said commissioner. Such licenses may be revoked by said commissioner at any time after notice and an opportunity for a hearing; each person so licensed shall on or before the thirty-first day of December of each year, make a detailed report to said commissioner of all they have done during the year by virtue of such license; such taxidermist may sell skins from animals received for mounting.

**Sec. 53. Licenses for sale of deer skins.** The commissioner may annually issue licenses to residents to buy and sell deer skins, and the heads of deer if not detached from said skins, during the months of January, October, November and December. Provided, however, that deer heads so purchased may when detached from the skins, be sold to licensed taxidermists. Such licensee shall keep a true and complete record which shall be open to inspection by the commissioner or agent, of all such heads and skins purchased, of whom purchased and the date of each purchase, and shall send such record annually, under oath, to the commissioner on or before the thirty-first day of December of each year. The fee for such license shall be twenty-five dollars, to be paid to the said commissioner. All deer skins and deer heads purchased by virtue of this section shall be transported only under such rules as shall be made by said commissioner. No one shall buy any skins or heads of deer without being licensed as herein provided, or no licensee as aforesaid shall neglect to keep the record and forward the same to said commissioner as herein provided nor refuse to exhibit said record upon request to the commissioner or his agent, for any violation of this act the commissioner may as an additional penalty revoke said license.

**Sec. 54. Fur buyer's license.** The commissioner may annually issue licenses to residents of this state to engage in the business of buying the skins of any fur-bearing animals. Each licensee shall keep a complete record which shall be open to inspection by the commissioner or his agent, of all skins purchased, as aforesaid, in such book as is furnished him by the said commissioner, and shall send such record, under oath, to said commissioner on or before the thirty-first day of December of each year. The fee for the license shall be twenty-five dollars to be paid to the said commissioner. Whoever buys any skins of any fur-bearing animals without being licensed as herein provided, or whoever, licensed as aforesaid, neglects to keep the record and forward the same to said commissioner as herein provided, or whoever refuses to exhibit said book for inspection by the commissioner or his agent, shall be subject to the penalties of this act. All skins of fur-bearing animals bought in violation of any provision of this section shall be forfeit and contraband and shall be seized by any person authorized to enforce the inland fish and game laws, and upon conviction of the person or persons from whom they were seized they shall be sold and the proceeds from such sale paid to the treasurer of state.

**Sec. 55. Marketmen's license.** Any marketman or provision dealer, proprietor of sporting camp, hotel or eating place, having an established place of business in this state, may annually purchase and have in possession at his place of business not more than two deer, lawfully killed or

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destroyed, or any part thereof, and may sell the same at retail to his local customers, and may sell the heads of such deer to any licensed taxidermist; provided, however, that he shall annually procure a license of the commissioner, paying therefor five dollars, to buy and sell deer as aforesaid; and provided, further, that he shall keep a record open to the inspection of wardens of the name and residence of each person of whom he purchases any deer and the date of such purchase. He shall, on the thirty-first day of each December, send to the commissioner a statement under oath setting forth in detail the name and residence of each person of whom a deer or part thereof has been purchased and the date of each purchase, during the time covered by his license.

**Sec. 56. Seizing of game birds and animals illegally transported.** All birds, fish, game or other wild or fur-bearing animals, or parts thereof, hunted, bought, sold, carried, transported, or found in possession of any person or corporation in violation of this chapter or amendment thereof, shall be liable to seizure, and in case of conviction for such violation the court shall declare the same forfeited to the state, to be sold by the officer making such seizure for the benefit of the state. Any person whose birds, fish, game or other wild or fur-bearing animals, or parts thereof, have been seized for violation of any game or fish law, shall have the same returned to him on giving to the officer a bond with sufficient sureties, who shall be residents of the state, conditioned that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to immediately give such bond and take the birds, fish, game or other wild or fur-bearing animals, or parts thereof, so seized, he shall have no action against the officer for such seizure or for the loss of the birds, fish, game or other wild or fur-bearing animals, or parts thereof, seized.

In case the warden making the seizure finds that the birds, fish, game or other wild or fur-bearing animals, or parts thereof, seized, will be unsuitable for food (or other use) at the day fixed for the hearing on such seizure, he shall dispose of the same for consumption in this state and shall hold the proceeds of such sale subject to order of the court for decision as to the right of the claimant to said birds, fish, game or other wild or fur-bearing animals, or parts thereof. If the magistrate finds the claimant is not entitled to said birds, fish, game, or other wild, or fur-bearing animals, or parts thereof, the officer making such seizure shall be ordered by the magistrate to forward the proceeds thereof to the commissioner and by him to be paid to the treasurer of state.

**Sec. 57. Officers may arrest without warrant; examine buildings, camps, vessels, etc.** The commissioner, wardens and deputy wardens may arrest,

with or without a warrant, any person whom he has reason to believe guilty of a violation of this chapter and with or without a warrant, may open, enter and examine all buildings, camps, vessels, boats, wagons, cars, motor vehicles, stages, tents, and other receptacles and places and examine all boxes, barrels, and packages where he has reason to believe that birds, fish, game or other wild animals, or parts thereof, taken or held in violation of this chapter, are to be found, and seize such birds, fish, game or other wild animals, or parts thereof, if any be found therein; but no dwelling house shall be searched for the above purposes without a warrant and then only in the day time, and no sealed railroad car shall be entered for the above purposes without such warrant. Any magistrate may issue warrants to search any dwelling house or premises for the purpose above set forth; provided, however, that the commissioner shall, on or before the first day of October of each year, in writing, notify the superintendents of all transportation companies doing business within the state, of the names of the wardens and deputy wardens by them designated to exercise the right of search of railroad cars as herein provided, and no other except those so designated shall be authorized to exercise the powers herein mentioned as to search of railroad cars.

**Sec. 58. Arrest without process.** Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of said laws, and shall with reasonable diligence cause him to be taken before any trial justice or any municipal 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.

**Sec. 59. Disposition of fines.** Once every three months the county treasurer of the several counties shall remit to the commissioner all fines and penalties recovered and money received or collected by reason of the violation of any provision of this chapter or amendment thereof after deducting therefrom such expense as the said county may have been put to the case, which moneys shall be paid by him to the state treasurer.

**Sec. 60. Jurisdiction.** Trial justices, police and municipal courts within their counties shall have, upon complaint, original and concurrent jurisdiction with the supreme judicial court, and superior courts in all prosecutions under any inland fish and game laws.

**Sec. 61. Service on corporation.** In case of violation of any provision of this chapter by a corporation, the warrant may be served by an attested copy, on the president, secretary, manager, or any general agent thereof

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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 employee from prosecution.

**Sec. 62. Duty of magistrates.** Every magistrate or the clerk of the court before whom any prosecution under this chapter is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner at Augusta.

**Sec. 63. Destruction of property prohibited.** No person shall tear down or destroy any fence or wall, or leave open any gate or bars, or trample or destroy any crop on the land of another person, while taking, trapping, hunting or pursuing any wild animal, wild bird or fish. And in addition to the penalties of this act, the commissioner shall have authority to revoke and forfeit the hunting or fishing license of the person so doing.

**Sec. 64. Penalty for violation.** Whoever violates any of the foregoing provisions and rules and regulations promulgated thereunder may be fined not exceeding three hundred dollars and costs, or imprisoned for not exceeding ninety days, or both, except as hereafter noted:

(a) Whoever violates any provision of this act relating to beaver shall be fined not less than fifty dollars and costs for each beaver or skin involved or imprisoned not exceeding ninety days, or both.

(b) Whoever violates the provisions of section forty-five shall be fined not less than two hundred or more than three hundred dollars and costs or imprisoned not exceeding ninety days, or both.

**Sec. 65. Commissioner shall keep supply of laws.** The commissioner shall be authorized to keep on hand at all times sufficient copies of fish and game laws so that all town clerks or agents authorized to issue licenses shall have copies available to issue with every license.

**Sec. 66. Inconsistent acts repealed.** All acts or parts of acts inconsistent with the foregoing are hereby repealed.

Approved April 13, 1929.

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## **Chapter 332.**

**An Act to Authorize the Promulgation of Rules and Regulations of the Commissioner of Inland Fisheries and Game.**

**Emergency preamble.** Whereas, most of the present code of rules and regulations of the department of inland fisheries and game of nineteen