

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

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Second
Biennial Revision
of the
Inland Fish and Game Laws

Being chapter 38 of the Revised Statutes of 1930, as amended by the public laws of 1931 and 1933; compiled and published by the Revisor of Statutes in accordance with the provisions of chapter 104 of the public laws of 1931.

(Effective June 30, 1933)

Foreword

This revision of chapter 38 of the Revised Statutes is issued in compliance with chapter 104 of the public laws of 1931, § 109-A herein.

As in the first biennial revision, the former section numbers are retained, and any new sections are given new numbers. For example, a new section to be placed between old sections 9 and 10 is numbered § 9-A. This prevents the confusion that always arises when section numbers are changed.

Sections 77 to 79 herein were affected irregularly by acts passed at this session. This effect is explained in footnotes to those sections.

Sections 21, 22, 25, 26 and 29 were affected by chapter 235 of the public laws of 1933 so that the special regulations were changed from laws to rules and regulations. As this law was not enacted until the end of the session it did not change by direction the form of some acts that were passed earlier in the session that affected special fishing rights. There is little doubt but what the intent of the legislature was to make these effective as rules and regulations, and therefore they are left out of this revision.

SMITH DUNNACK,
Revisor of Statutes.

CHAPTER 38.

Inland Fisheries and Game.

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Commissioner, Council, and Administration.

Sec. 1. Commissioner and deputy commissioner of inland fisheries and game; appointment; term; reports. 1929, c. 331, § 1. 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 3 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 30th day of June of each year, for the year ending December 31st prior thereto.

95 Me. 585.

This chapter is based upon the revision of the inland fish and game laws contained in the revised statutes of 1930, and the acts passed by the 85th and 86th legislatures. References in the head notes of this chapter are as they appeared in the revised statutes of 1930 with such additional references to the public laws as are necessary.

To avoid confusion, references are made within parentheses within the body of long sections that have been amended, so that the law amending that particular clause can be easily located.

Sec. 2. Duties and office. 1919, c. 201. 1929, c. 331, § 2. 1931, c. 216, Art. V, § 2. The commissioner of inland fisheries and game, hereinafter designated as "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 and adequate facilities for the transaction of the business of his department which shall be known as the department of inland fisheries and game, hereinafter designated as "the department." 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. Commissioner may continue rules and regulations for 4 years from July 7, 1933; penalty for violation thereof. 1929, c. 332, 1933, c. 179. The commissioner is authorized to continue in force rules relating to the protection of fish and game. He, within 60 days after March 31, 1933, shall promulgate and continue in effect, for not exceeding 4 years, such of the rules and regulations of the department now in force as he deems necessary for the protection and preservation of the fish of this state, said rules and regulations to take effect July 7th 1933, and to continue in effect for a period of 4 years thereafter, unless sooner revoked or modified by said commissioner. Such rules and regulations shall be published in a newspaper printed in the county in which the waters affected are located, and shall be filed in the office of the secretary of state and with the clerk of courts of each county.

Whoever violates any provision of any rule and regulation of the commissioner promulgated by virtue of this section shall be subject to the same penalties as are provided in section 107.

Sec. 4. Upon petition of town officers, commissioner may make local regulations for hunting and fishing; may be revoked when emergency is past. 1929, c. 331, § 3. 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 commis-

sioner 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 90 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 3 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-A. Commissioner empowered to make special rules and regulations. 1931, c. 233, § 1. Full and exclusive power to make all necessary special rules and regulations relative to the protection and conservation of fish in the inland waters of the various counties of the state and to establish and regulate game sanctuaries is hereby conferred on the commissioner with the advice and consent of the advisory council.

Sec. 4-B. Procedure to be followed. 1931, c. 233, § 2. The commissioner, whenever he shall deem it for the best interests of the state, after due notice and public hearing in the county to be affected, may regulate the times and places in which, and number and size of the fish to be taken, and the manner in which inland fish may be taken, which regulation shall be effective until changed by said commissioner, or by the legislature; and in the same manner may establish and regulate game sanctuaries. But no rules and regulations shall be made inconsistent with the general laws of the state. Said commissioner may, with the advice and consent of said council, from time to time, modify or repeal such rules and regulations as he may deem necessary or proper for the protection and preservation of the inland fish of the state. Said commissioner shall file in the offices of the clerks of the towns in the locality affected, a copy of the rules and regulations made as aforesaid, and publish the same 3 weeks successively in a newspaper published or printed in the county, or if no paper is so published, then in the state paper and, if practicable, post on the banks of the waters to be affected, as nearly as may be, like notices; and

whenever any such rules or regulations apply to any unorganized township a like copy shall be filed with the clerk of courts for that county; said commissioner shall, immediately upon the adoption of any such rules and regulations contemplated by this section, file an attested copy of the same in the office of the secretary of state.

Sec. 5. Advisory council to be appointed; terms of members; expenses; meetings. 1929, c. 331, § 4. An advisory council, consisting of 7 members appointed by the governor with the advice and consent of his council and chosen 1 from each of the councilor districts, shall render to the commissioner information and advice concerning the administration of the department. Of the 1st members of the council appointed under the provisions of this section, 3 shall be appointed for terms expiring the 3rd Tuesday of January, 1935; 2 members for terms expiring the 3rd Tuesday of January, 1933; and 2 members for terms expiring the 3rd Tuesday of January, 1931; thereafter appointment shall be for the term of 6 years and until successors are appointed and qualified. Upon the death, resignation, or removal from office of any person so appointed, the governor, with the advice and consent of his council, shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive no compensation for their services, but said council shall be allowed actual expenses not to exceed \$500 for each fiscal year. The council shall hold regular meetings with the commissioner or his deputy at the state capitol on the 1st 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 1st Thursday of January each year, the council may elect 1 of its members as chairman and 1 as vice-chairman.

Sec. 6. Penalty for wilful defacement of notice of commissioner. 1917, c. 219, § 4. Whoever wilfully mutilates, defaces, or destroys any notice, rule, or regulation of the commissioner, posted in conformity with the provisions of this chapter, shall be punished by a fine of not more than \$50.

Sec. 7. Commissioner shall furnish sufficient copies of fish and game laws for the use of town clerks and agents. 1929, c. 331, § 65. The commissioner is authorized to keep on hand at all times sufficient copies of the inland fish and game laws so that all town clerks or agents authorized to issue licenses shall have copies available to issue with every license.

Fishways.

Sec. 8. Commissioner may order construction of fishways and repairs thereto; appeals. 1929, c. 331, § 5. Whenever the commissioner after hearing, 14 days' written notice of which shall be given to 1 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 tide-water 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, filed in the superior court in the county where said land is located, in the name of the commissioner, 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 superior court from any order of the commissioner by filing in the office of the clerk of the superior court in the county where said dam or other obstruction is located his notice in writing of such appeal containing the reasons therefor within 14 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.

Fish and Game Culture.

Sec. 9. Commissioner may set apart waters for certain periods of time for fish culture; may cause destruction of mink therein; may permit transportation of live game; may license breeders. 1929, c. 331, § 6. 1931, c. 82. 1933, cc. 55, 87. The commissioner may, after hearing, set apart, for a term not exceeding 10 years, any inland waters for the use of the state or of the United States commissioner of 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 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, said wild animals and wild birds to remain the property of the state of Maine, not to be sold or given away.

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 \$5, 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 licensed person, firm, or corporation, resident of the state of Maine, 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 31st 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.

Sec. 9-A. State game farm established. 1931, c. 173. The commissioner is hereby authorized to purchase suitable lands and erect buildings thereon within this state, necessary for the operation of a state game farm for experimental work in the propagation of game birds and game animals for restocking the woods and forests of the state, and to take game of any kind, dead or alive, or import the same, for the purposes of inspection, cultivation, propagation, distribution, or for scientific or other purposes deemed by him to be of interest to the game industry of this state. The cost of such construction and operation shall not exceed the sum of \$10,000 in any 1 year. All expenses incurred in carrying out the provisions of this section shall be paid by the treasurer of state on warrants from the state controller on bills properly approved by said commissioner out of any receipts from the sale of hunting licenses.

Fish Hatcheries.

Sec. 10. Commissioner may take land for fish hatcheries; appeal. 1929, c. 331, § 7. 1931, c. 99. The commissioner for the location, construction, maintenance and convenient operation of a fish hatchery or fish hatcheries and feeding stations for fish may acquire in the name of the state by gift, bequest or otherwise, real and personal property or he 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 or feeding stations.

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 1 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 1 year thereafter. When the commissioner 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, 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 superior court in the county in which the land is situated.

Sec. 10-A. Federal fish culture recognized. 1931, c. 118. The United States commissioner of fisheries and his duly authorized agents are hereby accorded the right to conduct fish-cultural operations and scientific investi-

gations in the waters of this state in such manner and at such times as may be considered necessary and proper by the said commissioner and his agents.

Sec. 11. Commissioner to have authority over fish screens. 1929, c. 331, § 8. 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 500 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.

Inland Fish and Game Wardens.

Sec. 12. Inland fish and game wardens; appointment, powers and duties; tenure; bond; service of processes. 1929, c. 331, § 9. 1931, c. 237. 1933, c. 142. The governor, with the advice and consent of the council, upon the recommendation of the commissioner, may appoint suitable persons as inland fish and game wardens, in accordance with the provisions of section 13-A to 13-H, inclusive, and who shall hold office under the conditions set forth in said sections, 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 and their deputies, for like services; (all such fees being paid to the commissioner of inland fisheries and game) 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 \$2,000, with 2 sureties, or with a surety company authorized to do business in the state, as surety, approved by the commissioner 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. 13. Deputy fish and game wardens; appointment; tenure. 1929, c. 331, § 10. The commissioner 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.

(Note:—This section *seems* to be affected by c. 237 of P. L., 1931, so that it now applies to *temporary* game wardens, only. The wording has not been changed as it is a matter of interpretation, and not within the province of the Revisor.)

Sec. 13-A. Civil service commission provided for. 1931, c. 237, § 1. A sub-committee of 3 members of the advisory council of the department of inland fisheries and game, to be chosen by a vote of that body, is hereby constituted a civil service commission for the purpose of drawing up and putting into effect a code for civil service examinations for permanent employees of the department in the game warden service and in the fish hatchery service, and is hereby authorized so to do. Such code shall not become effective until approved by the commissioner.

Sec. 13-B. Rules to be promulgated. 1931, c. 237, § 2. Said civil service commission shall prepare suitable rules for carrying into effect the provisions of sections 13-A to 13-H, inclusive, and when said rules shall have been promulgated and approved by the commissioner, it shall be the duty of all persons affected thereby to aid, in all proper ways, in enforcing and complying with said rules, and any modifications thereof.

Sec. 13-C. Rules; examinations; probationary employment; intoxicating liquors; age limit. 1931, c. 237, § 3. Among other things said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

(1) That open, competitive examinations for testing the fitness of applicants for permanent employment in the game warden service and the fish hatchery service shall be given. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

(2) That all new permanent employments in the game warden service or in the fish hatchery service shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations. But no aforesaid employment shall be considered as permanent until the expiration of a probationary period of sufficient length to satisfy the commissioner of the ability and fitness of the candidate to discharge the duties of the service into which he seeks to be appointed.

(3) That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, the game warden service or the fish hatchery service.

(4) That the said civil service commission is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the game warden service and the fish hatchery service may be made.

The said rules may provide for such other matters as may be deemed fitting and proper.

Sec. 13-D. All permanent employees to come under provisions of §§ 13-A to 13-H, inclusive, present permanent employees to be retained. 1931, c. 237, § 4. The provisions of sections 13-A to 13-H, inclusive, shall apply to all permanent employees, including the commissioner and deputy commissioner, who shall be appointed hereafter, and they shall be required to take the examination as herein provided. All present permanent employees, including the commissioner and deputy commissioner, shall be considered as if appointed under such civil service as herein set forth.

Sec. 13-E. Examination of commissioner. 1931, c. 237, § 5. The examination of the commissioner shall be conducted under the direction and supervision of the governor and council.

Sec. 13-F. Examinations to be advertised; conduct of. 1931, c. 237, § 6. Notice of the time and the place of examination shall be published in the state paper, and also in some newspaper in the locality or county where a vacancy is to be filled, and examinations shall be conducted under the direction and supervision of the commissioner or deputy commissioner.

Sec. 13-G. Modification of rules. 1931, c. 237, § 7. Rules may be modified at any time by the said civil service commission, but shall be approved by the commissioner before going into effect.

Sec. 13-H. Removal from service. 1931, c. 237, § 8. No person in the game warden service or in the fish hatchery service shall be removed therefrom except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and may submit affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the commissioner. Copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the department, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the said civil service commission also shall, upon request, be furnished copies of the same.

Sec. 14. Sheriffs, deputy sheriffs, police officers and constables to have powers of wardens; wardens not to hold other office. 1929, c. 331, § 11. 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 as those of inland fish and game wardens. State paid fish and game wardens and deputy wardens appointed under the 10 pre-

ceding sections shall hold no other state or county office from which they receive compensation.

Guides.

Sec. 15. Guides shall be registered by commissioner; must furnish such information as commissioner requires. 1929, c. 331, § 12. 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 said commissioner, forward, on blanks furnished him by said 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. 16. Applications for registration shall be made to the commissioner in writing; classification; fees; revocation of registration. 1929, c. 331, § 13. 1931, c. 106. 1933, c. 192. An applicant for registration as a guide shall apply in writing to the commissioner, setting forth in his application whether he desires to be registered as a

Class A or Class B guide; and the commissioner may, upon sufficient proof as to his competency, register such person as a Class A or Class B guide. No person shall be issued a Class A guide's certificate unless he is physically, mentally and morally capable of guiding and caring for a party anywhere in the forests or on the waters of the state and said commissioner may, at his discretion, promote or demote guides from one class to another.

A fee of \$3 shall be paid annually for the registration of a Class A guide and a fee of \$1 shall be paid annually for a Class B guide. Non-residents may be so licensed for restricted areas upon payment of a fee of \$20.

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.

Sporting Camps.

Sec. 17. Sporting camps, regulation of by commissioner; penalty. 1917, c. 219, § 16. No person shall maintain, occupy, or keep a sporting camp, lodge, or place of resort for inland hunting or fishing parties within the limits of any of the unorganized townships embraced in the Maine forestry district without annually procuring a license therefor of the commissioner and paying therefor a fee of \$5; but such license shall not be granted unless the person applying for the same files with his application therefor the written consent of the owner or owners of the land, or his

or their agent, upon which such sporting camp, lodge, or place of resort for inland fishing and hunting parties is or may be located; and on the 15th day of December of each year shall send such record to the commissioner, together with a report of the number of residents and non-residents entertained in such camp, and such other useful information relative to the inland fish and game interests as the commissioner may deem of importance to the state. The commissioner may refuse to issue a license or licenses to such person or persons as he deems unsuitable. Whoever violates any provision of this section shall pay a fine of \$50 and costs for each offense.

Definitions.

Sec. 18. Definitions, 1917, c. 219, § 17. 1933, c. 90. The words "closed season" as used in this chapter mean the time or period during which it is unlawful to hunt, pursue, shoot, wound, trap, or destroy any bird or animal, or fish for or catch any fish, and the words "open season" mean the time during which it shall be lawful to take these animals, fish and birds as specified and limited by law. The words "tributary" and "tributaries" wherever used in this chapter shall be construed to mean brooks or streams flowing directly or indirectly into a lake or pond or into another brook or stream, and one great pond or lake shall not be construed as a tributary to another great pond or lake. For the purposes of this chapter the terms "landlocked salmon" and "salmon" shall be construed to mean the same. For the purposes of this chapter all thoroughfares and bogs shall be under the same general laws as apply to lakes and ponds, except as hereinafter provided.

See c. 11, § § 38-41. Jurisdiction of state, 84 Me. 444; 94 Me. 99.

Fishing.

Sec. 19. Fishing licenses for residents and non-residents; fees therefor; revocation thereof. 1929, c. 331, § 14. 1931, cc. 147, 184, 191. 1933, c. 222. No resident of the state over 16 years of age and no non-resident over the age of 10 years 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. All employees and soldiers regularly employed at the National Soldiers' Home shall be, and hereby are, classi-

fied as residents of this state for the purpose of obtaining fishing licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state. 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. A 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 65 cents, of which 15 cents shall be retained by the town clerk. No town or city clerk or other person, shall wilfully issue resident fishing licenses to any person other than a bona fide resident of the town or city in which said license is issued, under penalty of \$10 for each license so issued.

(3) Non-resident fishing licenses shall be of 3 classes, a month license to cost \$3.15, effective for 30 days from the date thereof, and a season license, effective for the entire season, to cost \$5.15, but the amount paid for a month license shall be credited on the purchase of a year license upon an additional payment of \$2.15, also a junior non-resident license, which shall be a season license covering all non-residents between the ages of 10 and 16 years, inclusive, to cost \$1.15. Fifteen cents shall be retained by the agent for each license issued.

(4) Each season license shall expire on December 31st of the calendar year in which it is issued. Each agent shall on the 1st 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 treasurer of state.

(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) 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 1 year may be used in that or any succeeding years for said purpose.

(8) Any citizen of the United States who is a resident thereof may procure a 3-day fishing license good for 3 days from the date of purchase thereof, upon the payment of \$1.65, 15 cents to be retained by the agent issuing the same; said days must be plainly enumerated on the face of

the license. Any resident of the state of Maine who procures a 3-day license may exchange the same for the annual resident fishing license in the town in which he resides upon the payment of 15 cents to the clerk or agent who issues same.

See 129 Me. 423* (in re validity of licenses.)

Sec. 20. Possession of fishing gear prima facie evidence of violation. 1917, c. 66, § 7. The possession of any fishing tackle in the fields or forests or on the waters or ice of the state by any non-resident required to be licensed by virtue of section 19, unless the person having such fishing tackle in possession has in his possession a fishing license, as therein provided, duly issued to him and covering the period the fishing tackle is found in his possession, shall be prima facie evidence of fishing in violation of the provisions of this chapter.

Sec. 21. Closed seasons in the several waters of the state. 1917, c. 219, § 18. 1919, c. 196. 1921, c. 73. 1925, c. 71. 1927, c. 194. 1933, cc. 46, 160, 235. All pools connected with state fish hatcheries and feeding stations shall be closed to all fishing at all times. There shall be a closed season on all fish, of every kind, in all waters that are closed to fishing for salmon, trout or togue for the same period that the same waters are closed to fishing for salmon, trout or togue, and during such closed period it shall be unlawful for any person to fish for, take, catch, kill or have in possession any fish of any kind in or from such waters.

Revisor's note: The special fishing regulations formerly placed in this section were changed to rules and regulations by P. L., 1933, c. 235. See *Fish & Game handbook*.

Sec. 22. Size of fish and weight of catch limited; special provisions in various localities. 1917, c. 219, § 19, 1933, cc. 218, 235. During the respective closed seasons on the below named fish no person shall fish for, take, catch, or kill, or have any of them in possession; provided that no person shall in any one day during the respective open season herein provided, take, catch or kill, in or from any or all of the streams and brooks of the state, or have in possession taken therefrom at any time, more than 25 fish or more than 7½ pounds in all of salmon, trout, togue, white perch and black bass unless one individual fish caught shall weigh more than 7½ pounds or unless the last fish caught increases the combined weight thereof to more than 7½ pounds; provided, further, that no salmon or togue less than 14 inches, no trout less than 6 inches, no white perch less than 6 inches, and no black bass less than 10 inches in length shall be caught, killed or had in possession by any person at any time; provided, further, that no person shall in any one day take, catch or kill in or from any or all of the lakes, ponds and rivers of the state or have in possession at any time more than 25 fish or 10 pounds in all of salmon, trout, togue, white perch and black bass even though the 25th fish caught

and killed weigh less than 10 pounds, except as provided for by the rules and regulations of the department.

Revisor's note: The special regulations formerly covered by section 22 were changed to rules and regulations by P. L., 1933, c. 235.

Sec. 23. Penalty for violation of §§ 21, 22. 1917, c. 219, § 21. Whoever violates any provision of the 2 preceeding sections shall pay a fine of not less than \$10, nor more than \$30, and costs of prosecution, for each offense; and in addition thereto \$1 for each fish taken, caught, killed or had in possession in violation of any provision of said sections.

Note:—Former Section 24 now appears in the rules and regulations.

Revisor's note: Former § 25 was changed to a rule and regulation by P. L. 1933, c. 235.

Sec. 26. Sale of certain fish prohibited; penalty. 1917, c. 219, § 22. 1919, c. 68. 1925, c. 161. 1933, c. 235. Whoever by himself, his clerk, servant, or agent, directly or indirectly, sells or purchases any landlocked salmon, trout, togue, black bass, or white perch, shall pay a fine of not less than \$10, nor more than \$30, and costs of prosecution, for each offense, and in addition thereto \$1 for each fish sold, purchased, or had in possession in violation of this section.

Part of this section was changed to a rule and regulation by P. L. 1933, c. 235.

Sec. 27. Fishing for gain or hire prohibited; exceptions; penalty. 1917, c. 219, § 23. 1933, c. 43. Whoever shall, for the whole or any part of the time, engage in the business or occupation of fishing on any of the inland waters of the state above tide-waters, for salmon, togue, trout, black bass, pickerel, or white perch, for gain or hire, shall for every such offense pay a fine of \$50 and costs, except that pickerel legally taken in the counties of Washington, Aroostook, Hancock, Penobscot, Somerset, Piscataquis and Franklin may be sold by the person taking the same.

27-A. 1933, c. 190. Lumber camps shall not serve salmon, trout or togue. No owner or keeper of any camp, house or other building, used partly or wholly in lumbering operations, log driving or construction of any kind, or employee thereof, shall use, consume, or have in possession at any time at said camp, or serve to any employee thereof, any salmon, trout and togue, taken from the inland waters of the state of Maine.

Sec. 28. Certain implements and devices prohibited; penalty. 1917, c. 219, § 24. 1921, c. 218, § 2. 1931, c. 269. 1933, c. 145. Whoever uses any dynamite or any other explosive or poisonous or stupefying substance at any time for the purpose of destroying any kind of fish or whoever takes, kills or destroys any kind of fish at any time with any dynamite or other explosive or poisonous or stupefying substance, shall be punished by a fine of not less than \$100 and costs for each offense or by imprisonment for 2 months.

Whoever fishes for, takes, catches, kills, or destroys any fish, with fish spawn, or grapnel, or spear, trawl, weir, gaff, seine, gill net, trap, (or set

lines, except when fishing through the ice, as hereinafter provided, and then with not more than 5 set lines to a person in the daytime), or takes any kind of fish, except suckers, eels, hornpouts, yellow perch, white fish, and cusk, as hereinafter provided, with any device or in any other way than by the ordinary mode of angling with single-baited hook and line, artificial flies, artificial minnows, artificial insects, spoon-hooks, and spinners, so-called, shall pay a fine of not less than \$10, nor more than \$30, and costs of prosecution, for each offense; and in addition thereto \$1 for each fish taken, caught, killed, or had in possession in violation of any provision of this section; and when any of the above named prohibited implements, devices, or substances are found in use or possession they are forfeit and contraband and any person finding them in use may destroy them. Except that gill nets of not larger than $1\frac{1}{4}$ inch mesh may be used in the taking of white fish in Eastern Grand lake and Hot Brook lake in Aroostook and Washington counties and in Baskahegan lake in Washington county during the month of November of each year.

80 Me. 349.

Sec. 29. Relating to the taking of smelts, minnows, and other bait fish, white fish, cusk, and suckers; penalty. 1917, c. 219, § 26; c. 244. 1919, c. 196, § 4. 1921, c. 218, § 3. 1923, cc. 32, 132. 1925, c. 86, § 1. 1927, c. 140. 1929, cc. 194, 362. 1931, cc. 220, 277, § 61. 1933, cc. 52, 165, 235. It shall be unlawful to take smelts in any of the inland waters of the state above tide-waters for the same period that such waters are closed to all fishing, except as hereinafter provided or under the rules and regulations of the department. During the open season on such waters, smelts may be taken by the use of a dip-net in the usual and ordinary way. No person shall take, kill, catch or have in possession more than 4 quarts of smelts in any 1 day. Smelts may be caught with a single hook and line through the ice, only during the open season for fishing on such waters, but they shall not be taken for sale or sold at any time except as hereinafter provided.

Provided, however, it shall be unlawful to fish for, take, catch or kill any smelt at any time, by any means, within an area beginning at Tide Water and extending to a point $\frac{1}{2}$ mile above the same, in any of the fresh water brooks, streams or rivers and branches thereof which flow directly into Tide Water; except smelts may be taken in the daytime with hook and line in the ordinary manner.

Provided, however, it shall be lawful to catch smelts with the hands for table use only in the family of the person catching the smelts, said smelts not to be caught and sold, in any of the brooks of the state during the months of April and May of each year.

Provided, further, that it shall be lawful to take minnows and other fish usually used for bait for fishing, in all the inland waters of the state

for bait for fishing only in this state; and provided, further, that it shall be lawful to fish for and take white fish with single hook and line, in the daytime in the waters of the state during such time as the waters fished in are open to fishing for salmon, trout and togue, and provided, further, that it shall be lawful to fish for and take cusk in the nighttime during such period as the waters fished in are open to fishing for salmon, trout and togue, with not more than 5 set lines to each person when fishing through the ice and when under the immediate supervision of the person fishing.

It shall be unlawful to take and catch smelts in all the inland waters within the county of York, above tide-waters, with a net. Whoever violates the provision of this paragraph shall be punished by a fine of not less than \$10, nor more than \$30 and costs for each offense and in addition thereto, \$1 for each fish taken and caught in violation of this paragraph.

Sec. 30. Relating to the taking of eels, suckers, horn pouts, yellow perch, and alewives; permits for same; penalty. 1917, c. 219, § 27; c. 244. 1919, c. 196, § 5. 1921, c. 218, § 4. 1923, c. 68. 1933, c. 61. The commissioner may grant permits to take suckers, eels, horn pouts, alewives and yellow perch for market, by means of eel pots, traps, spears, or nets, in inland waters frequented by these fish, under such terms, rules and regulations as he may establish, but no exclusive territory permits shall be granted for the taking of any of said fish in any inland waters. Provided, further, that said commissioner may grant permits to take alewives in the inland waters of the state under such rules and regulations as he may establish.

It shall be unlawful for any person, firm, or corporation to take any of the above mentioned fish for market until he has obtained a permit so to do from the said commissioner.

Sec. 31. Weight of salmon, trout, togue, white perch, and black bass, to be transported, limited; regulations; penalty. 1917, c. 219, § 28. No person shall transport more than 15 pounds of landlocked salmon, trout, togue, white perch, or black bass in all in any 1 day, nor shall any corporation or common carrier transport more than 15 pounds in all, of landlocked salmon, trout, togue, white perch, or black bass in any 1 day as the property of 1 person, but nothing herein contained shall prevent any person, corporation, or common carrier from transporting 1 fish weighing more than 15 pounds; nor shall any such fish be transported except in the possession of the owner thereof, plainly labeled with the owner's name and residence, and open to view, except as is provided in the following section. Whoever violates any provision of this section shall pay a fine of not less than \$10, nor more than \$30 and costs for each offense, and in addition thereto \$1 for every pound of fish being transported in violation of any provision of this section; and all such fish

being so transported in violation of this section shall be seized and shall be forfeited to the state; provided, however, that nothing herein contained shall prohibit any person having less than 25 fish weighing in all less than 15 pounds from transporting 1 additional fish, nor prohibit any transportation company from transporting said additional fish under the conditions prescribed in this section for the transportation of fish; provided, further, that this section shall not apply to white perch and black bass excepted from the general law and transported as provided in section 26.

90 Me. 55.

Revisor's note: Section 22 herein as originally passed, regulating size and weight of catch, conformed with section 31. When section 22 was amended by the 86th legislature, it overlooked the need of amending section 31. The legislative intent must have been to permit transportation of legally caught fish only. See § 22.

Sec. 32. Authority of licensee to transport fish. 1917, c. 66, § 2. All licenses issued to non-residents by virtue of section 19 shall entitle the purchaser thereof to take fish in the inland waters of this state and transport the same during the period covered by said license in accordance with the laws of the state. The purchaser of a license to fish by virtue of section 19 may offer for transportation and have transported in accordance with the provisions of this chapter fish which he has legally in possession by exhibiting his license to the agent of a transportation company, who shall endorse upon the back thereof, in ink the name of the station from which said shipment is made, the date of shipment, the destination and weight of each kind of fish shipped, and such shipment shall have affixed thereto a tag plainly marked with the name and address of the shipper, the license number and the kind and weight of such fish. If a license is presented with a consignment of fish and the endorsement on such license shows that the holder of the license is not authorized by law to offer such fish for shipment, such agent shall refuse to accept the same for shipment.

See § 19 (5), no shipment of fish to be made without exhibition of license, etc.

Sec. 33. Owner to accompany fish; exceptions; penalty. 1917, c. 219, § 29; c. 244. 1919, c. 196, § 6. 1923, c. 123. 1931, c. 277, § 33. No landlocked salmon, trout, togue, black bass, or white perch shall be carried or transported in any way except in the possession of the owner, accompanied by him, plainly labeled with the owner's name and address, and open to view, except any person who has lawfully in his possession 1 landlocked salmon, 1 trout, 1 togue, 1 black bass, or 1 white perch, or 10 pounds of any kind of these fish, may transport the same to his home, provided the same is shipped in his own name, or to any hospital in this state, without accompanying the shipment, by purchasing of an agent duly appointed therefor by the commissioner a transportation tag, paying for a land-

locked salmon, trout, togue, or black bass, \$1 for each, or \$1 for each 10 pounds of the same, and 50 cents for 1 white perch or 10 pounds of the same; provided, however, that no person shall send more than 1 shipment of fish under a transportation tag, as provided in this section, once in 5 days; provided, however, that 10 pounds of fish or 1 fish taken legally in Moosehead lake or in any other waters in Piscataquis county may be sent as herein provided under a transportation tag whenever the same are legally in possession of the shipper during the open season on said fish; provided, further, that 10 pounds of fish or 1 fish taken legally in Rangeley lake, Mooselucmeguntic lake, Cupsuptic lake, Upper Richardson lake, so-called, or Lower Richardson lake, so-called, said lakes being the Rangeley chain of lakes, so-called, may be sent as herein provided under a transportation tag only once in 1 year; provided, further, that 15 pounds of fish taken legally in the Belgrade chain of lakes, so-called, comprised of Great, Long, Little, Ellis, McGraw, East and North ponds may be sent as herein provided under a transportation tag only once in 2 weeks during the open season on said fish. Provided, further, that this section shall not apply to white perch and black bass excepted from the general law and transported as provided in section 26. Whoever violates any provision of this section shall pay a fine of not less than \$10, nor more than \$30 and costs for each offense, and in addition thereto \$1 for each pound of fish transported in violation of any provision of this section.

Sec. 34. Stocking of lakes and streams without permission of commissioner prohibited; penalty. 1917, c. 219, § 30. Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, except upon written permission of the commissioner shall be punished by a fine of not less than \$50, nor more than \$500.

Sec. 35. Tolling by means of "advance baiting" prohibited; penalty. 1917, c. 219, § 31. Whoever deposits any meat, bones, dead fish or parts of the same, or other food for fish, in any of the inland waters of the state, for the purpose of luring fish known as "advance baiting," shall be punished by a fine of not less than \$10, nor more than \$30 and costs of prosecution for each offense.

Sec. 36. Deposit of slabs, edgings, sawdust, in streams, etc., prohibited; special provisions in various localities; penalty. 1917, c. 219, § 32. 1919, cc. 21, 174. 1921, c. 178. 1923, c. 15. 1925, c. 174. 1931, c. 125. No person or corporation shall place or deposit in inland waters, or on the banks thereof, in such manner that the same shall fall or be washed into such waters any slabs, edgings, sawdust, chips, bark, mill waste, shavings or fibrous materials created in the manufacture of lumber or other wood products, or so deposit any oil regardless of its source.

If any person, firm or corporation believes it to be necessary in the prosecution of its business to deposit some or all of the materials men-

tioned in the preceding paragraph in some inland water, or on the banks thereof, where such depositing is now prohibited, such person, firm or corporation may make application to the commissioner and the director of health who shall give notice thereof and hold a hearing, and shall have authority to issue such permit as they deem advisable and necessary, or to deny such petition.

The following rivers and their branches are exempted from the provisions of the preceding paragraphs: Salmon Falls river, Mousam river, Saco river, Presumpscot river, Androscoggin river, Kennebec river, Penobscot river, St. Croix river, St. John river, and Fish river. Whoever violates any provision of this section shall pay a fine of not less than \$5 nor more than \$100 and costs for each offense.

Provided, further, that the commissioner and the forest commissioner shall have authority, upon petition of 25 citizens of this state, and after due notice and public hearing in the locality of the waters to be affected, at which hearing all parties interested may be heard, to promulgate rules and regulations prohibiting the pollution of any of the brooks, streams, or rivers in this state with slabs, edgings, sawdust, chips, bark, mill waste, shavings, or any fibrous material created in the manufacture of lumber. A copy of any regulations promulgated by virtue of this section shall be filed in the office of the clerk of courts, in the county in which the waters are situated, and shall be published 3 times in a newspaper printed in the county wherein the waters are situated. Whoever violates any provision of any rules and regulations of the commissioner and the forest commissioner promulgated by virtue of this section, shall be punished by a fine of not less than \$5 nor more than \$100 and costs for each offense.

See P. L. 1931, c. 105, in re pollution of waters of Chase's pond.

See P. L. 1931, c. 67, prohibiting bathing in West Basin of China Lake.

Sec. 37. Cultivation of useful fish by individuals. 1917, c. 219, § 33. Any riparian proprietor may, within the limits of his own premises, enclose the waters of a stream not navigable, for the cultivation of useful fishes; provided that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials, in places where the same have a right to pass. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell, ship, or transport them from his own pools or ponds, without accompanying the shipment, having first procured a license therefor and tagged said fish in accordance with the rules and regulations established by the commissioner.

Sec. 38. Penalty for fishing in private ponds without permission of owners. 1917, c. 219, § 34. No person, without permission of the pro-

prietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by written permission of the commissioner under a penalty of not less than \$10, nor more than \$100, for each offense, besides \$2 for each fish so taken or killed; and, in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or he is otherwise discharged by due process of law.

Sec. 38-A. Dealers in live bait to be licensed; regulations. 1933, c. 164. Any person, firm or corporation, that deals in live bait, catches for sale or buys for resale said bait, shall first procure a license from the commissioner so to do, for which license he shall pay the fee of \$2 annually; said license authorizing the person holding the same to use the ordinary commercial type of minnow trap or the ordinary commercial type of minnow seine not to exceed 4 feet in depth by 25 feet in length or a net made from not more than 2 bolts of commercial mosquito netting, used as a seine, but without sinkers and floats, in the taking of minnows and other unprotected fish commonly used for bait purposes.

Sec. 39. Jurisdiction of commissioner. 1917, c. 219, § 35. 1923, c. 213. The provisions of this chapter, so far as they relate to fish of all varieties and fishways, apply to fish and fishways down to tide-waters. All sea salmon, shad, alewives, and smelts that migrate from the ocean into fresh water shall be under the concurrent jurisdiction of the sea and shore fisheries and the commissioner of inland fisheries and game wherever found.

See P. L. 1933, c. 2, § 6.

Hunting and Trapping. Definitions. Licenses. General Provisions.

Sec. 40. Hunting, alien, jack-light, and trapping defined. 1929, c. 331, § 15. 1933, c. 189. In addition to the definition of words and terms mentioned in section 18 are the following:

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

b. For the purposes of this chapter all aliens shall be classified as non-residents, except that, any alien who has lived in the state continuously for 2 years and in addition thereto pays tax on real estate in the city or town in which he resides, may purchase any resident license issued under the provisions of this chapter.

c. Jack-light when hunting means any artificial light when used in conjunction with a rifle larger than 22 caliber, and a 22 hipower is considered larger, or a shotgun loaded with buckshot or ball shells.

d. To trap shall also mean trap for.

e. A resident is a citizen of the United States who has been a bona fide resident of this state and actually domiciled here for a period of 3 months next prior to his application for a license.

Sec. 41. Hunting licenses for residents and non-residents; fees therefor. 1929, c. 331, § 16. 1931, cc. 108, 184, 208. 1933, c. 129. No person shall hunt or have in his possession 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. All employees and soldiers regularly employed at the National Soldiers' Home shall be, and hereby are, classified as residents of this state for the purpose of obtaining hunting licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state. 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 65 cents of which 15 cents shall be retained by the town clerk. A combination hunting and fishing license may be issued on payment of \$1.15, 15 cents to be retained by the town clerk. No town or city clerk or other person, shall issue resident hunting licenses to any person other than a bona fide resident of the town or city in which said license is issued, under penalty of \$10 for each license so issued.

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 \$5.15 and to hunt both wild birds and wild animals on payment of \$15.15, of which 15 cents shall be retained by the agent issuing the license.

4. Each license shall expire on December 31st 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 1st 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 15 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 requested by any authorized person shall be prima facie evidence of the violation of this section.

6. Any non-resident under the age of 16 years with the consent of his parent or guardian, may buy a junior non-resident hunting license to hunt wild birds, rabbits, raccoons, fox and unprotected wild birds and animals only, on the payment of \$2.15, and to hunt both wild birds and wild animals, on payment of \$5.15, of which 15 cents shall be retained by the agent issuing the license. Any resident under the age of 16 years may hunt without a license, provided he is accompanied by a parent or guardian at all times while in the fields or forests or on the waters or ice of the state with firearms in his possession.

6-A. Any person who, while in pursuit of wild game or game birds, shoots, kills or wounds a human being, through mistaking a human being for wild game or wild birds, shall thereafter not be eligible to procure a hunting license nor shall any town clerk or other person authorized by law to issue such license, issue such license to such persons.

7. The funds collected by agents and the 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 1 year may be used for that year and any succeeding year for said purposes.

Sec. 42. Trapping licenses; fees therefor. 1929, c. 331, § 43. 1931, cc. 226, 257. 1933, c. 91. Any resident who traps for any fur-bearing animal except rabbits as hereinafter provided shall annually procure a license therefor from the commissioner paying therefor \$10; provided, however, that the annual fee for such trapping within the limits of cities, towns and plantations of the state shall be \$5; provided, further, that whoever hunts or traps for any beaver on any land in the state open to beaver trapping by said commissioner shall pay therefor a fee of \$10 annually, and an additional fee of \$2 for the sealing and stamping of each skin as required by law, skins to be so sealed and stamped by chief game warden as provided in section 73. The fee for a non-resident or alien for a trapping license shall be \$50. Any resident under 16 years of age may trap for any fur-bearing animal, except beaver, in the organized cities, towns or plantations without a trapping license; in unorganized townships a license is required. Any person trapping for fur-bearing animals must on or before

the 31st day of December of each year send a written report of all fur-bearing animals, and the number of each kind taken during that year, to the commissioner. Any resident or his immediate family may 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, on which he is actually domiciled, within the limits of an organized township and which land is used exclusively for agricultural purposes. 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 provided for in section 107.

Sec. 43. Commissioner may revoke or refuse to issue licenses after violation of fish and game laws. 1929, c. 331, § 49. 1931, c. 147; c. 225, § 20. 1933, c. 79. Upon the conviction of any person holding a license issued by virtue of this chapter of any violation of the fish and game laws, said license may be revoked by the commissioner at his discretion, and no new license shall be issued for a period of 1 year thereafter to such person. For any 2nd or subsequent offense the commissioner may revoke said license for a period not to exceed 2 years. Any person whose license has been revoked shall, within 48 hours after notice thereof, return said license to the commissioner. The commissioner may refuse to issue any license provided for by this chapter for a period of 1 year after a conviction for any violation of the fish and game laws by a person not holding a proper license at the time of such violation.

Sec. 44. Sunday closed to hunting of birds and animals. 1929, c. 331, § 34. Sunday is a closed season, on which it is not lawful to hunt any wild animals or wild birds of any kind.

Sec. 45. Night hunting prohibited; exception. 1929, c. 331, § 35. 1933, c. 78. There shall be a closed season on wild birds in this state from sunset to $\frac{1}{2}$ hour before sunrise of the following morning, and on wild animals from $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ 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 72. 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. 46. Hunting from automobiles prohibited. 1929, c. 331, § 36. 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. 46-A. Hunting from railways prohibited. 1931, c. 135. It shall be unlawful for any person to hunt any wild bird or wild animal at any time, from a hand car, flat car, or any other car or vehicle moving along rails under its own power, or drawn along rails by an engine; 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 a hand car, flat car, or any other car or vehicle moving along rails under its own power, or drawn along rails by an engine.

Sec. 47. Use of silencers on firearms prohibited. 1929, c. 331, § 37. 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 and the device or silencer, and shall further be subject to the penalties of section 107. 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. 48. Use of snares, guns set on swivels, or poison forbidden; traps to be labeled; bear traps to be enclosed in huts; partridge or ruffed grouse as bait, prohibited. 1929, c. 331, § 44. 1931, c. 185. 1933, c. 80. 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, or use in any manner as a bait for trapping any partridge or ruffed grouse, or any part or parts of a partridge or ruffed grouse, 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, 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, set gun, or poisonous substance; nor shall any person set any trap for any wild animal without having the trap plainly labeled with his full name and address and he 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

2 strands of barbed wire, one 4 and one 5 feet from the ground, said wire to be securely held in position and to be not less than 5 yards at any point from the enclosed trap.

Sec. 49. Poisons shall not be used for purposes of killing animals. 1929, c. 331, § 45. 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 section 107.

Sec. 50. Traps shall be visited every 24 hours; exception. 1929, c. 331, § 46. 1931, c. 87. 1933, c. 67. Any person trapping in any organized or incorporated place shall visit each trap or cause the same to be visited at least once in every 24 hours, except beaver sets so-called, and remove therefrom, or cause to be removed, any animal found caught therein. No person shall trap on or in any organized or incorporated place without first obtaining the written consent of the owner or occupant of the land on which said trap is to be set. No person shall trap outside his own land, within half a mile of the compact or built-up portion of any city or village, except by the use of water-sets so-called, for mink and muskrat. A water-set shall be a trap so set that it shall be completely covered by water at all times. Provided, further, that any person who has a written permit from the land owner may trap, only with water-sets so-called, within $\frac{1}{2}$ mile of the built-up portion of any city or village. All persons aiding, assisting or helping another in trapping shall be considered as a trapper and must procure a license therefor.

Sec. 51. Kindling of fires by non-residents, regulated. 1929, c. 331, § 51. 1933, c. 76. Non-residents shall not kindle fires upon any unorganized township, while engaged in camping, fishing or hunting from May 1st to November 1st, without being in charge of a registered guide, except, at public camp sites maintained by the forestry department. No guide shall at the same time guide or be employed by more than 5 non-residents in hunting.

Sec. 52. Possession of firearms prima facie evidence of violation. 1917, c. 219, § 62. The possession of any firearm in the fields or forests or on the waters or ice of the state by any person who is not a bona fide resident of the state and actually domiciled therein, unless the person having such firearm in possession has in his possession a license, as provided by section 41 of this chapter, duly issued to him and covering the period such firearm is found in his possession shall be prima facie evidence of hunting in violation of section 41 of this chapter.

Sec. 53. Walls and fences shall not be destroyed nor gates left open by hunters; penalty. 1929, c. 331, § 63. 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, hunt-

ing or pursuing any wild animal, wild bird or fish. And in addition to the penalties of section 107, the commissioner shall have authority to revoke and forfeit the hunting or fishing license of the person so doing.

Sec. 54. Wild birds or wild animals shall not be imported without written permission of commissioner. 1929, c. 331, § 22. 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.

Hunting of Game Birds.

Sec. 55. Federal regulations on migratory game birds to govern. 1929, c. 331, § 17. 1931, c. 193, § 1. 1933, c. 120. No person shall hunt or have in his possession any eagle, Hungarian partridge or capercaillie, 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 partridge from November 16th to September 30th of the following year, both days inclusive, and no person shall, during the open season, have in possession in any 1 day more than 4 partridge, or in any 1 open season for partridge or ruffed grouse more than 25 of the above named birds, nor shall any person at any time buy or sell any partridge or ruffed grouse.

It shall be unlawful for any person to hunt, capture, kill, take, possess, buy, or sell any migratory game bird at any time; but it shall not be deemed to be a violation of this chapter to hunt, capture, kill, take, possess, buy, or sell any migratory game bird or part thereof at the times, in the manner and numbers, and by the means specifically permitted by regulations adopted and approved pursuant to the provisions of the Federal Migratory Bird Treaty Act (Act of Congress approved July 3, 1918).

No person or corporation shall carry or transport from place to place any partridge or any migratory game bird 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 or migratory 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 1 day, as the property of 1 person, more than 4 partridge, nor a larger number of any migratory game birds than may legally be taken under federal regulations. Provided, however, it shall be lawful for a citizen of this state who has purchased a transportation tag, paying therefor \$5, 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 1 pair of partridge, or 1 pair of migratory game birds, may send the same anywhere in this state without accompanying the same, by purchasing therefor a transportation tag, paying therefor 50 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 1 pair of game birds or migratory game birds once in 7 days.

Provided, further, that it shall be unlawful to hunt at any time, any curlew, wood duck, swan, or any shore bird, except as may be permitted under federal regulations.

Sec. 56. Nets, traps, snares, and guns larger than 10 gauge shall not be used. 1929, c. 331, § 18. 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 10 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.

See c. 136, §§ 12, 13.

Sec. 56-A. Use of pole traps regulated; penalty. 1933, c. 32. It shall be unlawful for any person to set or use any steel trap on the top of a pole, constituting a device commonly known as "pole trap" for the purpose of catching any wild bird, without a written permit from the commissioner; such permit to be issued only when found by the commissioner to be necessary for the protection of poultry, game birds or game fish, where raised by a private individual or by the state. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$300 and costs, or by imprisonment for not more than 90 days, or by both said fine and imprisonment.

Sec. 57. Use of live decoys and blinds. 1929, c. 331, § 19. 1933, c. 82. Not more than 12 live decoys shall be allowed in any 1 flock when hunting water fowl. Only 1 flock at the same time may be placed in the water by 1 boat or blind. No flock shall be placed nearer than 50 yards to a flock already set or being set.

No boat shall be allowed on or in any waters for hunting purposes earlier than 1½ hours before sunrise, nor shall any duck decoys be allowed to remain in said waters between the hours of sunset and 1 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 1 mile of the waters of Merrymeeting bay, between ½ hour after sunset and ½ hour before sunrise.

This section shall apply to the waters of the Kennebec river up to a point 1 mile above Swan island.

Sec. 58. Other than game birds protected; "game birds" and "migratory game birds" defined. 1929, c. 331, § 20. 1931, c. 193, § 2. No person shall have in his possession living or dead, any wild bird, other than a game bird or a migratory 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 partridge, or ruffed grouse, only shall be considered a game bird, and the following only shall be considered migratory game birds; anatidae or waterfowl, including brant, wild ducks, geese, and swans; gruidae or cranes, including little brown, sandhill, and whooping cranes; rallidae or rails, including coots, gallinules, and sora and other rails; limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; columbidae or pigeons, including doves and wild pigeons. Nothing in this section, however, shall be construed to affect in any way the protection of game birds or migratory game birds as provided in section 55 of this chapter.

Sec. 59. Use of power-boats in hunting waterfowl prohibited. 1929, c. 331, § 21. 1933, c. 75. No person shall at any time hunt any sea birds, duck or waterfowl in any inland or tidal waters of the state from an automobile, airplane, power-boat, sailboat, any boat under sail, any floating device towed by a power-boat or any boat propelled by a motor attached in any manner.

Hunting of Moose, Caribou, Deer and Other Wild Animals.

Sec. 60. Hunting of moose and caribou prohibited; permission shall be received before importation. 1929, c. 331, § 24. No person shall hunt or have in his possession any caribou or moose, or parts thereof.

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. 61. Closed time on deer in certain counties. 1929, c. 331, § 25. 1931, cc. 63, 187, 232. 1933, c. 255, §§ 1, 2. There shall be an annual closed season on deer in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York from the 1st day of December of each year to the 31st day of October of the following year, both days inclusive, and in the counties of Aroostook, Penobscot, Somer-

set, Piscataquis, Franklin and Oxford from the 1st day of December of each year to the 15th day of October of the following year, both days inclusive, and in the counties of Hancock and Washington from the 16th day of December of each year to the 31st day of October of the following year, both days inclusive, except that on the island of Mount Desert, and in the town of Deer Isle, and in the town of Stonington, in the county of Hancock, and on Cross Island and on Scotch Island, in the county of Washington, and in Isle au Haut, in the county of Knox, and on Swan Island, in the county of Sagadahoc, and in game sanctuaries as established by law, 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 thereof; and no person shall during the open seasons above named, except as hereinafter provided, kill or have in possession, more than 1 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 said deer has been properly registered, as provided in section 67.

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 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 or any other bait or food 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. The owner or keeper of any orchard or growing crops shall within 48 hours after he discovers there is damage being done to said orchard or crops, by deer or other protected animals or birds, report the same in writing to the commissioner either directly or to the inland fish and game warden in whose district said crop or orchard is being damaged. Any person who claims a damage to growing crops or orchard by deer or other protected animals or birds shall within 3 days after he discovers such damage is being done report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said crop or orchard is being damaged.

Sec. 61-A. Horning of deer, prohibited. 1933, c. 84. It shall be un-

lawful to drive deer by the use of horns, whistles or other noise-making devices.

Sec. 62. Use of dogs, jack-lights, snares, traps, etc., prohibited. 1929, c. 331, § 26. No person shall at any time hunt with a dog, jack-light, artificial light, snare, trap, swivel, pivot or set gun, any deer, caribou or moose.

Sec. 63. Sale, or possession in woods, of jack-lights, etc., prohibited. 1929, c. 331, § 27. 1931, c. 43. No person shall expose or offer for sale, sell or purchase in this state any jack-light or light fitted for use in hunting in the nighttime. 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 jack-light or light fitted for use in hunting in the nighttime, 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, horn pouts and yellow perch, as provided in section 28, 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. Any person convicted of illegal night hunting shall forfeit such firearms, jack-lights, or any other equipment used or usable in the illegal night hunting at the time of such violation. Nothing in this section shall be construed as affecting or restricting the legitimate possession and sale of flash-lights.

Sec. 64. Owners not to allow dogs to hunt deer or moose. 1929, c. 331, § 28. 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, after notice in writing from the commissioner or a game warden or deputy warden that such dog is liable to hunt moose, caribou or deer, nor shall he 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. 65. Dogs shall be killed for chasing game or worrying domestic animals; trial justice or municipal court to issue warrant; dogs assaulting persons may be killed. 1929, c. 331, § 29. 1931, c. 51. Any 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, or any red, silver, silver black, or black foxes in captivity, 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.

Sec. 66. Deer shall not be transported beyond limits of the state. 1929, c. 331, § 30. 1931, c. 141. 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 or attempt to carry or transport in any manner, beyond the limits of this state any deer or part thereof.

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Sec. 67. Transportation of deer within state. 1929, c. 331, § 31. 1933, c. 214. Except as hereinafter provided no person or corporation shall at any time, in any way carry or transport any deer or part thereof unless open to view, tagged, and plainly labeled with the name and residence of the person who killed said deer, and accompanied by him while being transported. Any person who has killed a deer shall when enroute to his home present said deer at the 1st game inspection station for registration. No person shall have a deer or any part thereof in possession more than 24 hours after returning to his home, that has not been so registered. All game inspection stations shall be in charge of a game inspector designated by the commissioner and a list of same shall be published in 1 or more daily newspapers of the state. Said game inspectors shall register each and every deer presented for registration and shall tag each deer in the manner as directed and with the materials furnished by the commissioner. 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. 68. Deer may be transported without owner accompanying provided he uses certain tags. 1929, c. 331, § 32. 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 \$2, and said tag shall be attached to the deer, or part thereof, being transported.

The commissioner may appoint agents to sell these tags.

Sec. 69. Lumber camps not to use deer as food. 1929, c. 331, § 33. 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. 70. Closed time on gray squirrels. 1929, c. 331, § 38. 1933, c. 150. There shall be an annual open season on gray squirrels from October 1st to October 31st both days inclusive, of each year; provided, that no person shall kill or have in possession more than 4 gray squirrels in any 1 day; provided, further, 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. 71. Closed time on wild hares and rabbits; transportation of. 1929, c. 331, § 39. 1933, c. 221. There shall be a closed season on wild hares or rabbits from the 1st day of March to the 30th day of the following September, both days inclusive, except in the county of Franklin where there shall be a closed season from the 1st day of April to the 30th day of the following September, both days inclusive. During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 rabbits taken, shot, or killed in any 1 day and not more than 8 rabbits so shot or killed in possession at any 1 time. No person shall set or use any snares or traps or use any other device in the hunting of wild hares or rabbits or hunt the same in any except the ordinary method of shooting with guns; provided, that box traps may be used in the counties of Hancock and Washington to take wild hares or rabbits which may be shipped alive in or beyond the limits of the state. Any person, firm or corporation who engages in buying and selling of wild hares or rabbits or transporting the same in or beyond the limits of the state shall first procure a license so to do from the commissioner paying therefor the sum of \$10 and make on or before the last day of December of each year a report to the commissioner stating the number of rabbits purchased, the name and addresses and dates from whom purchased and the names, addresses and dates to whom sold. 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 section.

Sec. 72. Trapping season regulated with reference to counties. 1929, c. 331, § 41; c. 368. 1931, c. 127. 1933, cc. 149, 187, 253. Whoever from the 1st day of February to the 15th day of November, both days inclusive, hunts or traps any fur-bearing animal except wild hares and rabbits (which are protected under the provisions of section 71 of this chapter), bob-cats, loup-cervier, Canada lynx, or muskrat, within the counties of Androscoggin, Cumberland, York, Kennebec, Waldo, and Knox; except that it shall be lawful to hunt foxes with a dog and gun from November 16th to February 15th, both days inclusive, in the counties of Cumberland, York, Androscoggin, Kennebec, Knox and Waldo; provided further, that in Lincoln and Sagadahoc counties trapping for foxes shall be lawful from November 16th to December 15th, both days inclusive, and hunting for foxes with dog and gun shall be lawful from November 16th to February 15th both days inclusive; or whoever from the 1st day of February to the 15th day of October, both days inclusive, hunts or traps any fur-bearing animal except wild hares and rabbits (which are protected as aforesaid), bob-cats, loup-cervier, Canada lynx, or muskrat, within the counties of Washington, Hancock, Aroostook, Penobscot, Piscataquis, Franklin, Somerset, and Oxford; 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 chapter.

(a) Provided that there shall be an annual closed season on muskrat in the counties of Androscoggin, Cumberland, York, Sagadahoc, Kennebec, Lincoln, Waldo and Knox from the 21st day of April of each year to the 19th day of March of the following year, both days inclusive; and provided that there shall be annual closed seasons on muskrat in the counties of Washington, Hancock, Aroostook, Penobscot, Piscataquis, Franklin, Somerset and Oxford from the 1st day of December of each year to the 31st day of March of the following year, both days inclusive, and from the 1st day of May to the 31st day of October following, both days inclusive.

(b) Provided, further, that it shall be unlawful for any person to set a trap at any time within 25 feet of, or to molest or destroy, a muskrat house.

(c) The black bear is hereby classified as a game animal. It shall be lawful to hunt and trap bear at any time, anywhere, in the state, from October 1st to November 31st, both days inclusive, and it shall also be lawful for any farmer or owner of live stock to kill bear at any time while they are on his own property; except that bear may be legally taken, in any town, plantation or unincorporated place where a bounty has been, or may be, declared under the provisions of section 79.

(d) Provided, that it shall be lawful to hunt skunks and raccoons at night when accompanied by a dog and using a rifle not larger than the regular 22 caliber (the 22 caliber hi-power being hereby expressly prohibited), or a pistol of a caliber not larger than the regular 38 police positive, and a kerosene light, from the 15th day of October of each year to the 15th day of the following December, both days inclusive, only in the counties of Androscoggin, Cumberland, York, Sagadahoc, Kennebec, Lincoln, Waldo, Knox, and in Oxford south of the Androscoggin river; provided, however, that an electric flash light of not more than 2 cells not greater in size than number 950 may be used in addition to a kerosene light while locating in and taking from a tree, raccoon treed by a dog.

(e) Provided, further, that 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 25 feet thereof, shall be subject to the penalties of this chapter.

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

(g) 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 the 15th day of September to the 15th day of November.

(h) Provided, further, that nothing in this section shall be held to repeal any special muskrat law, now in effect, that relates to any particular stream or waters.

Sec. 73. Commissioner may declare special open season on beaver and muskrat; taking or transportation of beaver otherwise prohibited. 1929, c. 331, § 40. 1931, c. 257. 1933, c. 131. The commissioner of inland fisheries and game may, upon written complaint of a water company, declare an open season upon beaver or muskrat that are polluting water supplies; or, on written complaint of a land owner, the commissioner may declare an open season upon beaver that are doing actual, substantial damage to property, or whenever in the opinion of the commissioner, beaver in a certain locality are detrimental to fishing, hunting or lumbering operations the commissioner may declare an open season upon said beaver. During such open season it shall be lawful for any person holding

a state-wide trapping license to trap beaver or muskrat without the consent of the land owner. Before said open season for beaver shall take effect, the commissioner shall cause a notice of such proposed open season to be published once in a newspaper printed in the county in which the land is located, and said commissioner shall also file a copy of said notice of open season with the clerk of the town or plantation in which said land is located. The commissioner may suspend said open season whenever it shall appear to him that the privileges are being abused. 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 chief game warden of the department of inland fisheries and game in whose district such beaver skin or beaver skins were taken. Any beaver skin or beaver skins that come into Maine in any manner from any other state or country must have the official stamp, tag or seal of the state or country from which said skin or skins were taken. Any beaver skin or skins that are transported into Maine, or are in Maine that are not marked, as above stated, must be presented to the chief inland fish and game warden within a reasonable time, in whose district the owner or possessor of said skin or skins resides to be stamped. The chief game warden after inspecting said skins may stamp the same as though they were taken in this state and the owner or possessor shall pay the sum of \$2 for each skin so stamped. All beaver skins shall be marked within 30 days from the closing of the open period whether they are for sale or not.

Sec. 74. Special provisions as to hunting of muskrats. 1929, cc. 186, 341. 1931, c. 73. 1933, c. 121. It shall be unlawful for any person to hunt, trap, kill, pursue or catch any muskrat, or muskrats, at any time in the stream running from Swetts pond to Penobscot river in the town of Orrington in the county of Penobscot.

It shall be unlawful for any person to trap any muskrat or muskrats in Sourdabscook stream from the point where the state highway crosses said stream in the village of Carmel in the town of Carmel, to its junction with the Penobscot river, or in any of the tributaries to said stream between the 2 points hereinbefore mentioned. It shall also be unlawful for any person to have in possession at any time any muskrat or muskrats, or any part or parts thereof, taken in any of the above named waters; provided, however, there shall be an annual open season from April 15 to April 30, both days inclusive.

Whoever violates any provision of the 2 preceding paragraphs shall be subject to a penalty of not less than \$10 and costs for each offense, and \$3 additional for each muskrat or part thereof hunted, killed, trapped, pursued, caught, or had in possession, in violation hereof.

For a period of 4 years from July 3, 1931 it shall be unlawful for any person to hunt, trap, kill, pursue or catch any muskrat or muskrats, in Wilson lake or on the shores thereof in the town of Wilton or in the main stream known as Coos brook which flows into said lake, from the lake up said stream to the Wilkins bridge, so-called, or to have in possession during the same period any muskrat or muskrats or any part thereof taken in any of said waters. Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$300, and costs for each offense and \$3 additional for each muskrat or part thereof hunted, killed, trapped, pursued, caught, or had in possession in violation hereof.

Sec. 75. Digging out foxes forbidden. 1929, c. 331, § 42. No person shall at any time dig out, molest, or destroy, in any way, any fox den or hole, or set any trap in any such den or hole, or remove or cause to be removed from any such den or hole any fox, except those enclosed in private fox ranches.

Sec. 76. Persons shall not enter enclosure of, or hunt or kill silver, silver black, or black foxes owned or bred by another. 1929, c. 271. Any person owning or breeding silver, silver black or black foxes shall have the same property rights therein as enjoyed by owners or breeders of domestic animals.

No person, without the permission of the owner of an enclosure within which silver, silver black, or black foxes are kept for breeding purposes, shall enter such enclosures. Any person violating the provisions of this section shall be punished by a fine of not more than \$200, or by imprisonment for not more than 6 months.

No person shall knowingly and wilfully kill, trap or injure any silver, silver black, or black fox owned by another person without the consent of the owner. Any person violating the provisions of this section shall be punished by a fine of not more than \$200, or by imprisonment for not less than 30 days, nor more than 6 months.

Sec. 77. Bounty on bobcat, loup cervier, and Canada lynx. 1929, c. 331, § 47. 1931, c. 142. 1933, c. 143. There shall be a bounty of \$10 for every bobcat, loup cervier and Canada lynx which is killed within the state, to be paid by the treasurer of state to the person killing the same upon compliance with the following conditions. No bounty shall be paid unless the claimant, within 5 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. Such certificate must be approved by and bear the signature of the warden or chief warden in whose district the animal was killed, stating that he believes the cat to have been killed at the time and place stated therein, and the treasurer shall thereupon cut off the whole of the tail from the skin and forward the same by mail to the commissioner, 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 bobcat, 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.....

It is believed that the cat was killed at the time and place stated herein.

This.....day of.....

.....

Game Warden

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 bobcat, 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 bobcat, 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 bobcat, 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 controller of a certificate from the commissioner showing that said commissioner has received the tail of the bobcat, loup-cervier or Canada lynx from the treasurer sent as aforesaid, together with said treasurer's certificate, said controller shall audit the claim for bounty and the same shall be paid forthwith by the treasurer of state to the claimant. 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 25 cents.

Revisor's note: This section as above amended became effective March 24, 1933 by virtue of an emergency clause.

Sec. 78. Bounty on porcupines and hedgehogs. 1927, c. 249. 1929, c. 366. 1931, c. 249.

Revisor's note: The provisions of Section 78 were suspended for the period from June 30, 1933 to June 30, 1935, by chapter 229 of the public laws of 1933.

Sec. 79. Bounty on bears in towns where damage is being caused to valuable domestic animals. 1929, c. 261.

Revisor's note: The provisions of section 79 were suspended for the period from June 30, 1933 to June 30, 1935 by chapter 257 of the public laws of 1933.

Transportation of Game.

Sec. 80. Licenses for transportation of game. 1917, c. 219, § 60. 1919, c. 196, § 21. 1925, c. 195. 1927, c. 240, § 2. Each deer hunting license, so-called, shall be provided with a coupon, which shall permit the transportation of the carcass of 1 deer or part thereof, and shall be divided into 2 sections lettered "A" and "B" respectively, and shall be called the deer coupon.

The holder of a non-resident deer hunting license shall be entitled to offer for transportation and have transported, within or without the state, by any railroad company, express company, boat or other transportation company, the carcass of 1 deer, or part of the carcass of 1 deer, that he himself has lawfully killed, on the deer coupon attached to his said license, by presenting to the agent of any transportation company, his license, with the coupon attached to the license at the time when he shall offer the deer or part thereof for shipment. The agent shall detach section "A" from the "deer" coupon of the license, cancel the same by writing

or stamping thereon the date and the place of shipment and his name, and shall forward the same forthwith to the commissioner at Augusta, Maine; section "B" of said soupon shall be likewise canceled and shall be attached to the carcass, or part of the carcass, of the deer offered for shipment and shall remain attached to the same while it is being transported in this state.

Sec. 81. Game birds or animals shall not be accepted for transportation unless owner possesses license. 1929, c. 331, § 48. 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 chapter.

Sec. 82. Transportation of deer and game birds; animals or birds transported shall be tagged. 1929, c. 331, § 50. No person shall transport any deer or part thereof, for any non-resident, otherwise than as provided in this chapter. 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 chapter, or refuse or neglect to detach and forward to the commissioner 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 therefor a tag, paying him 50 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 30 days.

Provided, further, that no non-resident shall transport, or have transported, by any means any wild animal 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.

Game Preserves and Sanctuaries.

Sec. 83. Kineo Point. 1917, c. 219, § 76. No person shall at any time hunt, pursue, shoot at or kill any wild bird or wild animal on Kineo Point, in Kineo, in the county of Piscataquis. Whoever violates this section shall pay a fine of not less than \$10, nor more than \$40 and costs, for each offense.

Sec. 84. Bartlett's island; Prout's Neck; Richmond island; Cape Elizabeth. 1917, c. 219, § 77. 1925, c. 15. No person shall, except as herein provided, at any time, hunt, pursue, shoot at, or kill any wild animal or any game or other wild bird within the following described territory: On Bartlett's island in Hancock county; or on the 112 acres of land, more or less, comprising Prout's Neck, so-called, in the town of Scarborough, in the county of Cumberland; or on Richmond's island, so-called, in the town of Cape Elizabeth, in said county of Cumberland; or on the tract of land comprising 1600 acres, more or less, situated in said town of Cape Elizabeth, and bounded as follows: southerly by the sea, westerly by the Spurwink river, northerly by the Spurwink road, so-called, leading from Spurwink bridge to Bowery beach, easterly by a certain private road or way which runs in a southerly direction from the aforesaid Spurwink road to said Bowery beach, being the road which runs in front of the dwelling-house of one Charles L. Jordan and along the easterly boundary of land of said Charles L. Jordan, and along the westerly boundary of land of the Great Pond Club, but not including any portion of said Bowery beach. It shall also 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.

Provided, however, that the provisions of this section shall not prohibit any person residing within the limits of either of the above described reservations or preserves from shooting at or destroying any wild bird (except ruffed grouse or Hungarian partridge) or any wild animal, when found destroying his property; and provided, further, that the provisions of this section shall not be construed to prohibit the trapping of wild animals within the above described territory in accordance with the general laws of the state. Whoever violates any provision of this section shall be punished by a fine of not less than \$10 nor more than \$40 and costs, for each offense.

Sec. 85. Back Bay, Portland. 1917, c. 219, § 78. 1931, c. 268. No person shall at any time hunt, chase, catch, kill or destroy any water fowl or any other wild bird in Back Bay, so-called, in Portland, in the county of Cumberland, above the Grand Trunk Railway bridge or within the area enclosed by a boundary line drawn as follows: beginning at Fish Point at the easterly end of the Eastern Promenade in the city of Portland, thence extending about northeasterly to Pomeroy's Rock, thence about

northeasterly to Mackworth or Half-way Rock southerly of Mackworth or Mackey Island, thence in a northerly direction to a point marked by a buoy 1000 feet from the most easterly point of Mackworth Island, so-called, thence in a northerly direction to the center of the dam at Moody's Creek so-called on the Falmouth shore, thence about southwesterly along the shore of the town of Falmouth to Mackworth or Mackey point, thence about southwesterly along the easterly side of Martin Point Bridge to the shore of East Deering (United States Marine Hospital) Portland, thence about southwesterly and southerly along said East Deering shore to the Grand Trunk Bridge, thence along the easterly side of said Grand Trunk Bridge to the shore of the Eastern Promenade, Portland, thence about southerly along said shore of the Eastern Promenade to the said Fish Point, the point begun at. No person shall have in possession at any time any water fowl or any other wild bird or any wild animal, or part thereof, taken in violation of any provision of this section. Whoever violates any provision of this section shall be punished by a fine of not less than \$10, nor more than \$40 and costs, for each offense.

Sec. 86. Megunticook lake and vicinity. 1917, c. 219 § 79. The use of firearms is hereby prohibited from the 1st day of April of each year to the 30th day of September following, both days inclusive, upon the waters of Megunticook lake, formerly called Canaan lake, and its tributary lakes, ponds and streams, and upon the land bordering on the same included within the following roads: Beginning at Hopkins' corner, so-called, in the town of Camden; thence via the Turnpike road, so-called, to Lincolnville center; thence to Wiley's corner in Lincolnville; thence to the Mansfield schoolhouse in the town of Camden; thence via the Fish Hatchery to place of beginning; all of said lake, its tributaries and shores being located in the towns of Camden, Lincolnville and Hope, in the counties of Knox and Waldo. Provided, however, that the Camden Rifle Club may establish and maintain a rifle range for target practice within the limits above mentioned, said practice to be held under the regulations of the United States War Department as established by the national board for the promotion of rifle practice in the United States. Whoever violates any provision of this section shall be punished by a fine of not less than \$10, nor more than \$30 and costs for each offense.

Sec. 87. Grassy pond; Glencove; Rockport. 1927, c. 8. 1931, cc. 122, 225, § 22. It shall be unlawful for any person to hunt, trap, pursue, shoot at, or kill, any wild bird or wild animal at any time on Grassy pond, or from a point 100 feet from the shores of said pond, which pond is situated in the towns of Rockport and Hope, in the county of Knox. It shall also be unlawful for any person to hunt, pursue, shoot at, or kill, any wild bird or wild animal at any time in Glencove, so-called, in Penobscot Bay, which cove is situated in the town of Rockport, in the county of

Knox, and which cove is bounded as follows, to wit: on the north, west and south by the main land, on the east by a line extending from Smith's Point to Ram island and from Ram island to the easterly point of Pine Hill in said Rockport. It shall also be unlawful for any person to have in possession at any time, any wild bird or wild animal taken in violation of any provision of this section. Whoever violates any provision of this section shall be punished by a fine of not less than \$5 nor more than \$50 and costs for each offense, or by imprisonment for 30 days, or by both such fine and imprisonment.

87-A. Gribbel game preserve established. 1931, c. 260. No person shall, except as hereinafter provided, at any time, hunt, pursue, shoot at or kill any wild animal or any game or wild bird, within the following described territory, situated in the town of Hope, in the county of Knox, known as the Gribbel farm and formerly known as the Grant farm.

It shall also be unlawful for any person to have in possession at any time any wild animal or any game or wild bird or part thereof taken in violation of any provision of this section. Provided, however, that it shall be lawful to hunt foxes and rabbits in the above described territory during the open season on the same, as now or hereinafter provided by law, but no person shall kill in any one day more than 2 rabbits within the limits of said sanctuary.

Sec. 88. West Bath. 1925, c. 92. 1931, c. 225, § 23. 1933, c. 71. From, and after June 30, 1933, no person shall at any time hunt, trap, catch, pursue, shoot at, or kill any wild animal, or bird, within the following described territory situated in the town of West Bath in the county of Sagadahoc: Beginning on the east bank of the New Meadows river at a point due west of the northwest corner of the cottage dwelling of Samuel R. Percy at Sabino, so-called; thence running easterly to the Sabino road; thence easterly by said Sabino road to Prince's corner, so-called; thence southerly by the Campbell's pond road and Brigham's cove road to Brigham's cove in Winnegance Bay; thence southerly, westerly and northerly by the shore of said Winnegance Bay and said New Meadows river to the point of beginning. The territory herein above described shall be known, and in any proceedings under this section may be designated as the West Bath Game Preserve. It shall also be unlawful for any person to have in possession at any time any wild animal, alive or dead, or any wild bird taken or killed in violation of any provision of this section.

Whoever violates any provision of this section shall be punished by a fine of not less than \$10 nor more than \$100 and costs for each offense, or by imprisonment for 30 days, or by both such fine and imprisonment.

Sec. 89. Merrymeeting Bay. 1927, c. 201. A game sanctuary shall be established in Merrymeeting Bay bounded as follows: On the north by a line drawn from a marker at the head of Butler's Point and running in a

westerly direction to the north end of Big Brick island, thence southerly along eastern shores of Big and Little Brick island to the south end of Little Brick island, thence southeasterly to a marker on the shore of Black Water cove and thence northerly along the shore back to the original starting point.

Within this sanctuary it shall be unlawful at any time to shoot, shoot at, molest or pursue game or game birds of any description, providing, however, that boats may pass through without incurring any penalty.

Whoever violates this section shall be punished by a fine of not less than \$10 nor more than \$40 for each offense.

See § 57.

Sec. 90. Augusta, East side of river; Ganeston Park, Augusta and Hallowell; Fairfield; Katahdin Park; Salmon Pond, Guilford; Bangor; Mt. Bigelow Game Preserve; Piscataquis and Somerset Preserve; Knox County Game Preserve; Narragansett Game Preserve, Gorham; Wells and Kennebunk; Bragdon Wild Life Sanctuary, Kennebunk; Winthrop and Wayne; Windham; Swan Island; Moosehead Lake; Mapleton and Chapman; Standish; Drake's Island Game Preserve; Dry Pond; Jefferson and Whitefield; Old Town Game Preserve; Pittston Farm; Rangeley Game Preserve; Rangeley Lake Sanctuary; Thorncrag-Stanton Bird Sanctuary; Gray Game Preserve; Readfield and Winthrop; Simpson's Pond; Oosoola Stream; Gero Island; Natanis Game Preserve. 1921, cc. 9, 22. 1923, cc. 17, 35, 118. 1925, c. 35. 1927, cc. 2, 31, 91, 111, 170. 1929, cc. 7, 8, 71, 77, 88, 114, 222. 1931, cc. 54, 74, 77, 101, 123, 128, 186, 212; 225, §§ 24, 25, 29; 227, 243. 1933, cc. 126, 134. No person shall, except as herein provided, at any time, hunt, pursue, shoot at or kill any wild animal or any game or other wild bird within the following described territories:

Augusta; that territory situated in the city of Augusta, in the county of Kennebec: Bounded on the north by the south line of Lot No. 42, Range 3, east of the Kennebec river, on the east by the east line of said Range 3, on the south by the North Belfast road and the south line of Lot No. 36, of said Range 3, and on the west by the west line of said Range 3, consisting of about 600 acres.

Ganeston Park; the following described territory, known as Ganeston Park, containing about 475 acres of land situate in the cities of Augusta and Hallowell, in the county of Kennebec, and bounded as follows: Beginning in the south line of Western Avenue, in said Augusta, at a stone bound marking the northwest corner of land of William H. Gannett; thence running easterly in the south line of said Western Avenue 2,090 feet to a stone bound; thence southerly in east line of said Gannett's land 398 feet to a stone bound; thence westerly in south lines of said Gannett's land about 91 feet to a stone bound; thence southerly, in east line of said Gannett's land about 216 feet to a stone bound; thence easterly in north

line of said Gannett's land, 462 feet to a stone bound; thence southerly in east line of said Gannett's land, about 387 feet to a stone bound; thence easterly in north line of said Gannett's land 1,587½ feet to a stone bound; thence southerly in east line of said Gannett's land, about 655 feet to a stone bound; thence easterly in north line of said Gannett's land 50 feet to a stone bound; thence southerly in east line of said Gannett's land, about 147 feet to a stone bound; thence easterly in north line of said Gannett's land 297 feet to a stone bound; thence northerly in the course of the west line of Page street 146 7/10 feet; thence easterly in north line of said Gannett's land 40 feet to the east line of said Page street; thence southerly in east line of said Gannett's land 240 feet to a stone bound; thence easterly in north line of said Gannett's land 111 feet to a stone bound in the west line of Sewall street; thence southerly in the west line of said Sewall street, 3,442½ feet to the southerly line of the city of Augusta; thence westerly in the south boundary line of said city of Augusta 2,309 feet to a stone bound; thence northerly in west line of said Gannett's land 90¾ feet to a stone bound; thence westerly in south line of said Gannett's land 1,660 feet to a stone bound; thence northerly in west line of said Gannett's land about 667 feet to a stone bound; thence westerly in south line of said Gannett's land about 958 feet to a stone bound in the east line of the Whitten road, so-called; thence northerly in the east line of said Whitten road about 320 feet to a stone bound; thence easterly in the south line of the state rifle range lot about 2,055 feet to a stone bound; thence northerly in the east line of said rifle range lot about 297 feet to a stone bound; thence westerly in the north line of said rifle range lot about 2,148 feet to a stone bound in the east line of said Whitten road; thence northerly in the east line of said Whitten road 868 feet to a stone bound; thence easterly in north line of said Gannett's land 1,810 feet to a stone bound; thence northerly in west line of said Gannett's land 3,237 feet to the first mentioned stone bound in the south line of said Western Avenue marking the north-west corner of said Gannett's land.

Fairfield; the following described territory situated in the town of Fairfield, in the county of Somerset: Good Will Farm, so-called; the Girls' Farm, so-called, of Good Will Farm; land of G. W. Hinckley; land of John Connor; land of J. Russell Barrett, which land is bounded as follows: On the north by land of Edwin Hicks and N. E. Bessey; on the east by the Kennebec river; on the south by land of Fred Tobey, Frank Moore, H. B. Hamm and C. B. Tuttle, also by the Fairfield Town Farm; on the west by land of L. P. Gifford, Alonzo Hoxie, Edwin Marcou and also by Martin Stream; said territory being Good Will Farm proper, so-called, the Girls' Farm, so-called, and land of G. W. Hinckley, John Connor and J. Russell Barrett, adjacent to the above named farms.

Katahdin Park Game Preserve; the following described tract or terri-

tory situated in the county of Piscataquis, the same being in unorganized townships, to wit:

Townships 3 and 4 in the 9th range, W. E. L. S., and parts of townships 3 and 4, in the 10th range, W. E. L. S., and a part of township 4, range 11, W. E. L. S., bounded as follows:

Commencing at the northeast corner of township 4, range 9, on the easterly line of the county of Piscataquis; thence southerly on the easterly line of the county of Piscataquis 12 miles, more or less, to the southeast corner of township 3, range 9; thence westerly on the southerly line of township 3, range 9, and township 3, range 10, 11 miles, more or less, to Sourdnahunk stream; thence northerly up said stream and the easterly shore of Sourdnahunk lake 12 miles, more or less, to the north line of township 4, range 10; thence easterly by the northerly line of township 4, range 10, and township 4, range 9, 12 miles, more or less, to point of beginning, including 90,000 acres, more or less.

Salmon Pond: That territory lying with a distance of $\frac{1}{4}$ of a mile of Salmon pond, which pond is situated in the town of Guilford, in the county of Piscataquis, said pond being the source of water supply for the Dover-Foxcroft Water District, also all the lands now owned by said Dover-Foxcroft Water District in lots 3, and 4, Range 7, which lie outside of the above $\frac{1}{4}$ of a mile limit.

Bangor: the following described territory situated in the city of Bangor in the county of Penobscot: Bounded on the south by the southerly line of said city of Bangor; on the east by the Penobscot river and Kenduskeag stream; on the north by Hammond street, so-called, in said city of Bangor; and on the west by the westerly boundary line of said city.

Mount Bigelow Game Preserve: the following described tract or territory situated in Franklin and Somerset counties, to wit: All that part of Jerusalem Township, Crockertown, Township 4, Range 3, Coplin Plantation, and southeast corner of Eustis, in Franklin county, and Bigelow Plantation, and Dead River Plantation, in the county of Somerset, which is within the following bounds: Commencing at Carrabasset station, or corner, in said Jerusalem Township, at the junction of the highway now numbered 143 with the highway leading northeasterly to highway numbered 144 near the southeast corner of Dead River Plantation; thence by said highway leading northeasterly from Carrabasset corner, to the said highway numbered 144; thence northwesterly, westerly and southwesterly by said highway 144 to its junction with said highway 143 at Stratton village; thence southeasterly by said highway 143 to point of beginning; containing 45,000 acres, more or less.

Piscataquis and Somerset Game Preserve; the following described tract or territory situated in the counties of Piscataquis and Somerset, the same being in unorganized territory, and taking in parts of Big Squaw Mountain

township, Sapling town, Misery Gore, Taunton and Raynham townships, and including the whole of Sanborn Tract, bounded and described as follows: the territory from the westerly side of the right of way east to low water mark on Moosehead lake, between Squaw brook and West outlet, bounded as follows: the southerly boundary shall begin at low water mark on Moosehead lake and extend up the southerly side of Squaw brook to a point 50 feet west of the new state highway; the westerly boundary shall be 50 feet west of the right of way on the road from Squaw brook to the West outlet of Moosehead lake; the easterly boundary shall be the low water mark along the shore of Moosehead lake, from the dam at West outlet to Squaw brook; the northerly boundary shall be from a point 50 feet easterly from the bridge at West outlet to low water mark on Moosehead lake.

Knox County Game Preserve: the following described territory, situated in the city of Rockland and towns of Thomaston, Warren, and Rockport, in the county of Knox, known as the Burnt Land or Bog, which territory is bounded and described as follows: Beginning at Willis corner, so-called, on the Beechwood's road; thence westerly by the Warren Highland road to the Oyster river bridge; thence north following the course of the Oyster river to the Warren, West Rockport road; thence by said road and the Beechwood's road, easterly and southerly to Willis corner at the point of beginning, containing approximately 6,500 acres.

Narragansett Game Sanctuary: the following described territory situated in the town of Gorham, in the county of Cumberland: Bounded on the north by the right of way of the W. N. & P. division of the Boston & Maine railroad; on the east by the Black Brook road or Scarborough road, so-called, in said town of Gorham; on the south by the Stroutwater river; and on the west by South street or South Gorham road, so-called, in said town of Gorham, containing 3,600 acres, more or less.

Wells and Kennebunk: the following described tract, or territory, situated in the towns of Wells and Kennebunk, in the county of York, to wit:

A certain tract of land consisting of 2,500 acres, more or less, bounded and described as follows: On the east by the Atlantic Ocean; on the south by the Drake island road, so-called; on the west by the Atlantic Shore Highway, so-called; on the north by the Mousam river.

Bragdon Wild Life Sanctuary: the following described territory, situated in the town of Kennebunk, in the county of York:

Beginning on the westerly side of the state highway leading from Kennebunk to Wells, at its junction with Branch brook, so-called; thence up said Branch brook about 3 miles to the Eastern Railroad, so-called; thence by said railroad easterly to the Mousam river; thence southeasterly by said river to the above named state highway; thence by said state highway to the point of beginning, containing 4,000 acres, more or less.

Winthrop and Wayne Game Sanctuary: the following described territory, situated in the towns of Winthrop and Wayne, in the county of Kennebec: Beginning at the state aid road, numbered 133 at its intersection with a cross road running southerly; which connects with the Fellows Hill road, so-called; thence running westerly, 1 6-10 mile to the John S. Raymond road, so-called; thence running southerly, 1 2-10 mile to the road leading from Monmouth over Fellows Hill to Winthrop village; thence running easterly, 6-10 of a mile to the bridge between Berry and Dexter ponds; thence running northeasterly, 7-10 of a mile to the cross road first herein mentioned; thence running northerly by said cross road, 5-10 of a mile to the point of beginning.

Windham: within the following described limits situated in the town of Windham, in the county of Cumberland: In or upon the waters of Little Duck pond, so-called, in the town of Windham, in the county of Cumberland, or within the limits of the following described tract or territory situated on the western shore of said pond, to wit:

A certain tract of land consisting of 35 acres, more or less, bounded and described as follows:

Beginning at a pile of stones and an iron pipe driven into the ground near the shore of said Little Duck pond at the southerly corner of Josephine Merrill's land; thence running southerly by the shore of said pond 60 rods more or less to a spotted maple tree and an iron pipe driven in the ground at the corner of land of F. J. Laughlin; thence westerly by said Laughlin's land and land formerly of one Anthoine 83 rods more or less to a pile of stones and brass pipe set in the ground; thence south $67\frac{1}{2}^{\circ}$ west 4 rods and 13 links more or less to a maple tree on the west side of a ledge and an iron pipe driven into the ground; thence north 19° west 34 rods more or less to a spotted red oak tree on the westerly side of a ledge and an iron pipe driven into the ground; thence north $66\frac{1}{4}^{\circ}$ east 29 rods and 20 links more or less to a spotted oak tree; thence north 52° east $24\frac{1}{2}$ rods more or less to a rock and an iron pipe driven into the ground; thence north $35\frac{1}{2}^{\circ}$ west 33 rods and 5 links more or less to a white oak tree and iron pipe driven into the ground; thence north $61\frac{1}{2}^{\circ}$ east 24 rods and 14 links more or less to the westerly end of an old stone wall and iron pipe driven into the ground; thence north $51\frac{3}{8}^{\circ}$ east 19 rods more or less to a spotted red oak tree and an iron pipe driven into the ground; thence south $71\frac{1}{4}^{\circ}$ east 43 rods more or less to the point of beginning.

Swan Island: the following described tract or territory situated in the county of Sagadahoc: the island in Kennebec river, near Richmond, known as Swan island.

Moosehead Lake Game Preserve: the following described tracts or territory situated in the county of Piscataquis: Moose island and Farm island, in Moosehead lake, and the territory bounded as follows: Beginning on

the shore of Moosehead lake at a point nearest to the easterly end of the state road leading westerly from Greenville Junction, so-called, to the State Fish Hatchery on Squaw brook, thence westerly by said state road to said hatchery, thence northeasterly down said brook to the shore of Moosehead lake, thence by the shore of said lake to the point of beginning.

Mapleton and Chapman: the following described territory situated in the towns of Mapleton and Chapman in the county of Aroostook: Commencing at the northeast corner of lot 8 in the town of Chapman, said point being also the northeast corner of the town of Chapman; thence westerly along the north line of lot 8 Chapman, said north line of lot 8 Chapman being the town line between the towns of Chapman and Mapleton to the southeast corner of lot 112 Mapleton; thence northerly along the east line of lot 112 to the northeast corner thereof; thence westerly along the north line of lot 112 to the northwest corner thereof; thence southerly along the west line of lot 112 to the southwest corner of said lot, said point being also the northwest corner of lot 7 Chapman; thence southerly along the west line of lots 7, 15, and 23, all of the town of Chapman to the southwest corner of lot 23, said southwest corner being located on the east bank of the south branch of the Presque Isle stream; thence easterly along the south line of said lot 23 to the southeast corner thereof; thence northerly along the east line of said lot 23 to the southwest corner of lot 16 Chapman; thence easterly along the south line of said lot 16 to the southeast corner of said lot, said point being located on the town line between the towns of Chapman and Presque Isle; thence northerly along the town line between the towns of Chapman and Presque Isle to the place of commencement; containing approximately 1,500 acres and including lot 112 Mapleton, and lots 7, 8, 15, 16 and 23 in the town of Chapman. Provided, however, that the cost of designating the above described land as a game sanctuary and the salary and expense of deputy game wardens employed to police and protect such territory shall be paid by the owner of said land thus described, Arthur R. Gould of Presque Isle, county of Aroostook and state of Maine.

Standish: the following described territory situated in the town of Standish in the county of Cumberland: Beginning at Standish village, thence extending northeasterly towards Sebago lake to Moody road, so-called, thence along Moody road to the Trail road, so-called, leading from Sebago lake to East Sebago village, thence along said Trail road to the Maine Central railroad crossing at Richville, thence northwesterly by said railroad to Steep Falls, thence by the Middle road over Oak Hill, so-called, past the White Place, so-called, and the residence of John Rand to Standish village.

Drake's Island Game Preserve: It shall be unlawful for any person to hunt, chase, catch, kill or destroy any wild bird or wild animal at any time

in all that part of Drake's Island, so-called, in the town of Wells, which is bounded as follows: Northerly by the game preserve established by chapter 31 of the public laws of 1927; easterly by the Atlantic Ocean; southerly by the Wells river; and westerly by said river and creek flowing under Dyke bridge, so-called.

Dry Pond: It shall be unlawful for any person to hunt, pursue, shoot at or kill any wild bird or wild animal at any time on Dry Pond or from the shores of said pond, which pond is situated in the town of Gray, in the county of Cumberland.

Jefferson and Whitefield: It shall be unlawful for any person to hunt, chase, catch, kill or destroy any wild bird or wild animal within the following described territory situated in the towns of Jefferson and Whitefield, in the county of Lincoln: Land of Jewett Brothers, situated wholly or partly in the town of Jefferson; land of S. D. Erskine, wholly or partly in the towns of Jefferson and Whitefield; land of Clarence Ford, wholly or partly in the town of Jefferson; land of Boynton Brothers, wholly or partly in the town of Jefferson; which land is bounded as follows: On the north by the highway leading from Weary pond to South Jefferson; on the east by Stearns brook and by Little Dyer's pond and the inlet stream and marsh of said pond and by the highway leading from South Jefferson to Alna; on the south by the Alna town line on the west by the road leading from Alna to said Weary pond, in the town of Whitefield.

Old Town Game Preserve: It shall be unlawful for any person to hunt, chase, catch, kill or destroy any wild bird or wild animal within the following described territory situated in the city of Old Town, in the county of Penobscot; bounded by Gilman Falls avenue on the north, Veazie street on the east, Stillwater avenue on the south, and Stillwater branch of Penobscot river on the west.

Pittston Farm: It shall be unlawful for any person to hunt, chase, catch or kill at any time any wild bird or wild animal on Pittston Farm, so-called, in Pittston Township, in the county of Somerset, being all the fields, pastures and cultivated lands of said farm.

Rangeley Game Preserve: No person shall, at any time, hunt, chase, catch, kill or destroy any wild bird or wild animal within the limits of the following described tract or territory, situated in the counties of Franklin and Oxford, the same being in unorganized townships, to wit: Township 4, range 6, known as Bowman town; the northerly part of township 5, range 5 known as Parmachenee town; and township 4, range 5, known as Oxbow town, all in the county of Oxford; and the southerly half of township 3, range 5, known as Seven Pond township, in the county of Franklin, bounded as follows: Commencing at the northwesterly corner of said Bowman town, on the International Boundary, thence by said boundary to the point on said boundary nearest the intersection of the tote road leading

by White Cap pond to Cupsuptic pond, and the west line of township 3, range 5, known as Seven Pond town; thence easterly to said westerly line of Seven Pond town; thence on said westerly line to a point equal distance between the north and south lines thereof; thence easterly parallel with the north and south lines and equidistant therefrom to the east line thereof; thence southerly on said east line to the southeast corner of said Seven Pond town; thence westerly on the southerly line of said Seven Pond town and southerly line of said Oxbow town to the southwest corner of said Oxbow town; thence northerly on the westerly line of said Oxbow town to a point where the third, east and west parallel on Parmachenee town intersects the westerly line of Oxbow town; thence westerly along said third, east and west parallel to the Maine state line, being the westerly line of said Parmachenee town; thence northerly by the west line of said Parmachenee town and west line of said Bowman town to point of beginning, at International Boundary, containing 63,000 acres, more or less.

Rangeley Lake Sanctuary: A game sanctuary shall be established in Rangeley Lake bounded as follows: Beginning at Gilman's point on the northerly shore of Rangeley Lake; thence southerly across said lake to the southwesterly corner of land of the Rangeley Lake Hotel Corporation; thence northerly, westerly and southerly around the shore of said Rangeley Lake back to the original starting point. Within this sanctuary it shall be unlawful at any time to shoot, shoot at, molest or pursue game or game birds of any description, providing, however, that boats may pass through without incurring any penalty. Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10 nor more than \$300 and costs for each offense, or by imprisonment for 60 days, or by both such fine and imprisonment.

Thornrag-Stanton Bird Sanctuary: No person shall, at any time, hunt, chase, catch, kill or destroy any wild bird, or wild animal, within the limits of the following described tract, or territory, situated in the city of Lewiston, county of Androscoggin, and the town of Monmouth, county of Kennebec, to wit: Bounded on the north by land of H. Osmond Wood; on the east by land formerly owned by Benjamin Thorn; on the south by the road leading from Barker's Mills Schoolhouse to Thorne's Corner; on the west by land of H. Osmond Wood and George H. McGibbon; said tract being wholly situated within the city of Lewiston in said county of Androscoggin and containing 45 acres, more or less. The most northeasterly corner of land of the estate of George K. Davis, bounded and described as follows, to wit: on the northwest by land of the so-called Ham farm; on the northeast by Pleasant street; on the southwest by land of Joseph Breault; and on the southeast by a line extending northeasterly from the easterly corner of said Breault's land and being a continuation of the southeast boundary of said Breault's land, containing 2 acres, more

or less, situated in the city of Lewiston, in the county of Androscoggin. Beginning at a maple tree at the southeast corner of the Ricker farm, now or formerly so-called, thence running west, northward 244 rods to a stooping cedar in what is now or was formerly a swamp, thence south $22\frac{1}{2}^{\circ}$ west, 122 rods to a stake near Wyman pond now or formerly called; thence east, southeast 244 rods to the lot first conveyed by a deed from Benjamin Woodbury to Mary A. Davis; thence by said lot above described as first conveyed by said deed, 122 rods to the point of beginning, containing about 132 acres, more or less, situated in the town of Monmouth, in the county of Kennebec.

Gray Game Preserve: The following described territory situated in the town of Gray in the county of Cumberland: beginning at Gray Corner following the Poland Spring road to Dry Mills, thence following the North Raymond road to the guide post at intersection of East Raymond road, thence following the East Raymond road to Douglass Mill road; thence following the Douglass Mill and Furbush road to "Sand Brook," so-called, on shore of Little Sebago Lake; thence following east shore of Little Sebago Lake to Foster shore, so-called, at intersection of Foster and Ramsdell road, so-called, near camp of Dr. Cushing following last named road in easterly direction to intersection of Ramsdell road near homestead of Edgar Foster, thence in a southerly direction following said Ramsdell road to intersection of road leading from Gray to West Gray, thence following last named road to Gray Corner to point of beginning.

Readfield and Winthrop: No person shall at any time hunt, chase, kill, destroy or catch any wild bird, wild animal or fish in or upon the waters of Carleton pond, so-called, in the towns of Readfield and Winthrop in the county of Kennebec, or within the lands of the Augusta Water District adjacent to said pond and located in said towns of Readfield and Winthrop, now owned or which may be hereafter acquired by said district in furtherance of its chartered purposes; provided, however, that the penalty for the violation of any provision of this paragraph shall apply only to such lands as are or may be hereafter fenced, and provided further that nothing herein shall prevent the necessary uses of said Carleton pond by the Augusta Water District.

Simpson's Pond: It shall be unlawful for any person to hunt, pursue, shoot at or kill, any wild bird or waterfowl on Simpson's pond, or from the shores of said pond, which pond is situated in the town of Roque Bluffs, in the county of Washington.

Oosoola Stream: Oosoola stream, commonly called Mill stream, situated in the town of Norridgewock, is hereby closed to all hunting or trapping up to the high water mark, from Jewett's line, so-called, down to Percival's saw mill, which mill is located near the mouth of said Oosoola stream.

Gero Island: No person shall at any time hunt, chase, catch, kill or destroy any wild bird or wild animal within the limits of the following described tract, or territory, situated in Piscataquis county, to wit: the whole of the island in the lake created by Ripogenus dam, known as Ripogenus, or Chesuncook lake, which island is known as Gero island, and is situated wholly within the plantation of Chesuncook.

Natanis Game Preserve: No person shall at any time, hunt, chase, catch, kill or destroy any wild bird or wild animal within the following named territory; on the property of the following named persons, to wit: Yearly Meeting of Friends for New England, for Oak Grove Seminary; Abbie S. Leach, William F. Glazier, Thomas G. Burleigh, Clara C. Burleigh, Levater W. Sanborn, Nettie C. Burleigh, John Kennedy, Gertrude Waldron Smith, Russell G. Ayer, Bert O. Denico, Mary Cook, Dary I. Cox, and Thomas Starkey, and bounded as follows, to wit: on the west by the Kennebec river, on the north by land of Francis Nadeau, Fessenden Drummond Estate and William Getchell; on the east by land of Raymond Alley, Parker Gifford Estate, Wilbur F. Berry and Wheeler Priest; on the south by land of Charles Purinton, Wilbur F. Berry, Parker Gifford Estate, and A. W. Low Estate, containing 1700 acres, more or less. This game preserve shall be called the Natanis Game Preserve.

It shall also be unlawful for any person to have in possession at any time any wild animal or any game or wild bird or part thereof taken in violation of any provision of this section.

Provided, however, that the provisions of this section shall not be construed to prohibit: the trapping of wild animals in accordance with the general laws of the state in the East Augusta, Ganeston Park, and Bangor Game Preserves; nor the trapping of fur-bearing animals in accordance with the general laws of the state in the Fairfield Game Preserve and the Bragdon Wild Life Sanctuary and Narragansett Game Sanctuary; nor the shooting at or destroying any wild bird (except ruffed grouse or Hungarian partridge) or any wild animal (except beaver) when found destroying his property by a person residing within the limits of the Fairfield Game Preserve; nor the shooting at or destroying any wild bird or any wild animal when found destroying his property by a person residing within the limits of the Narragansett Game Sanctuary; nor the killing of a predatory animal found destroying his property by a person within the limits of the Wells and Kennebunk Game Preserve; nor the killing of a predatory animal found destroying his property by a person within the limits of the Windham Game Preserve; nor the shooting at or destroying any wild bird or any wild animal when found destroying his property by a person within the limits of the Winthrop and Wayne Game Sanctuary or of the Standish Game Sanctuary, nor the trapping of fur-bearing animals in accordance with the general laws of the state within the limits of the Winthrop and

Wayne Game Sanctuary or of the Standish Game Sanctuary or of the Rangeley Game Preserve.

Whoever violates any provision of this section shall be punished by a fine of not less than \$10 nor more than \$300 and costs for each offense or by imprisonment for 60 days, or both said fine and imprisonment.

The commissioner is empowered to enlarge the territory of the East Augusta, Ganeston Park, Narragansett, Wells and Kennebunk, Mapleton and Chapman, Winthrop and Wayne Game Preserves, and Thorncrag-Stanton Bird Sanctuary, Lewiston and Monmouth, upon the written consent of the owners of the additional land to be included, and of the Windham Game Preserve upon petition of the owners of the additional land to be included.

Sec. 91. Hunting or possession of firearms within limits of game preserves forbidden; exceptions. 1929, c. 331, § 23, 1931, cc. 85; 225, § 26. 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 except as provided in this chapter, and except that the commissioner is hereby authorized to use such means as may seem necessary to exterminate vermin of any description in all game preserves and sanctuaries and in any other localities where damage is being done.

Licensing of Taxidermists, Dealers in Deer Skins and Furs, Marketmen Selling Deer.

Sec. 92. Licenses for taxidermists. 1929, c. 331, § 52. The commissioner may upon application, license as a taxidermist anyone who is skilled in that art, and of good reputation; residents of this state shall pay an annual fee of \$5, except that unnaturalized, foreign-born residents shall pay an annual fee of \$25, 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 31st 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. 93. Licenses for dealers in deer skins and heads. 1929, c. 331, § 53. 1933, c. 69. The commissioner may annually issue licenses to residents of this state to buy and sell deer skins, and the heads of deer if not de-

tached 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, the name and residence of whom purchased and the date of each purchase, and shall send such record annually, under oath, to the commissioner on or before the 31st day of December of each year. The fee for such license shall be \$25, 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 person 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 section the commissioner may as an additional penalty revoke said license.

Sec. 94. Licenses for dealers in furs. 1929, c. 331, § 54. 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 said commissioner, and shall send such record, under oath, to said commissioner on or before the 31st day of December of each year. The fee for the license shall be \$25 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 said commissioner or his agent, shall be subject to the penalties of section 107 of this chapter. 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. 95. Marketmen, provision dealers, etc., may sell deer; to have in possession only 2 deer at one time; licenses. 1929, c. 331, § 55. 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 2 deer, lawfully killed or 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 \$5, 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 31st 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.

Search and Seizure of Game.

Sec. 96. Seizure and disposition of game and equipment for violation of law; 1929, c. 331, § 56. 1933, c. 74. 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 the provisions of this chapter, or any boat, car, conveyance or equipment used in hunting, trapping or fishing in violation of the provisions of this chapter, shall be contraband and shall be forfeited to the state. And in all cases where a warden may seize birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

When any birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing, are seized as provided in the preceding paragraph, and a warrant is issued, the officer who made such seizure, in case of reasonable doubt existing as to the ownership of such articles, shall within reasonable time file with the magistrate before whom such warrant is returnable, a libel against such birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing, setting forth their seizure by him, describing such birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing, and that they were hunted, taken, caught, killed, used or had in possession in violation of the provisions of this chapter, and pray for a decree of forfeiture thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same, to all persons interested, citing them to appear at the time and place appointed and show cause why said birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing should not be declared forfeited, by causing a true and attested copy of said libel and monition

to be posted in 2 conspicuous places in the town or place where such birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing were seized, or in such place or places as is ordered by the magistrate, 10 days at least before the day to which said libel is returnable.

In case the magistrate 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 to which said libel is returnable, he shall order the officer making the seizure to dispose of the same; and the officer so disposing of the same shall, in case of sale, hold the proceeds of said sale subject to order of the court for decision as to the right of the claimant, if any appear, to said birds, fish, game or other wild or fur-bearing animals, or parts thereof. If the magistrate finds the claimant, if any appear, is not entitled to said birds, fish, game, or other wild or fur-bearing animals, or parts thereof, the officer making such seizure shall turn over to the magistrate the proceeds of such sale, and such magistrate shall forward the proceeds thereof to the commissioner in the same manner as is provided by section 99 of this chapter.

If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the state. If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it declare that they were not hunted, taken, caught, killed, used or had in possession in violation of the provisions of this chapter, as alleged in said libel and monition, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the magistrate is, upon the hearing, satisfied that said birds, fish, game or other wild or fur-bearing animals, or parts thereof, or any boat, car, conveyance or equipment used in hunting, trapping or fishing were not hunted, taken, caught, killed, used or had in possession in violation of the provisions of this chapter, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody, commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said articles so seized, he shall render judgment against him for the libelant

for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said articles forfeited to the state. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

The forms herein set forth, with such changes as adapt them for use in cities, towns, and plantations, are sufficient in law, for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for the libel, shall be 50 cents; for entering the same, 30 cents; for trying the same, \$1; for a monition, 50 cents; for posting notices and return, \$1; order to restore or deliver, 25 cents; executing the order, 50 cents; and 10 cents per mile for all necessary travel.

Form of monition and notice

STATE OF MAINE

“County of....., ss.
(L. S.) To all persons interested in.....”
(here insert the description of the birds, fish, game, wild or fur-bearing animals, or parts thereof, or boats, cars, conveyances or equipment used in hunting, trapping or fishing, as in the libel.)

“The libel of....., hereunto annexed, this day filed with me,, esquire, a trial justice, judge or recorder of a municipal court, in and for said county, shows that he has seized said articles, because” (insert as in the libel,) “and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before me, the said justice, judge or recorder, at....., in said county, on the.....day of....., 19....., and then and there show cause why said articles should not be forfeited. Given under my hand and seal at....., on the.....day of....., in the year of our Lord nineteen hundred.....

.....
Trial Justice, Judge or Recorder.”

Form of Libel

STATE OF MAINE

“County of....., ss. To..... a trial justice, judge or recorder of a municipal court, in and for said county:

The libel of....., of....., shows that he has, by virtue of a warrant duly issued on the.....

day of....., A. D. 19....., by....., esquire, a trial justice, judge or recorder of a municipal court in and for said county, seized certain birds, fish, game, wild or fur-bearing animals, or parts thereof, or certain boats, cars, conveyances or equipment used in hunting, trapping or fishing, described as follows:....." (here follows a description of articles seized,) "because the same were hunted; taken, caught, killed, used or had in possession in violation of the provisions of this chapter, as follows:....." (here follows statement alleging the particular violation or violations of the fish and game laws for which said articles were seized,) "which said articles were kept and deposited at....." (describing the place) "in the said county of..... Wherefore he pray for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Dated at....., in said county, this..... day of....., in the year of our Lord nineteen hundred.....

(Signed)....."

Sec. 97. Officer seizing fish or game to report to commissioner within 10 days. 1917, c. 219, § 82. In all cases, the officer making any seizure or sale of birds, fish, game or other wild animals; or parts thereof, shall within 10 days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses and fees, and the disposition thereof to the commissioner. The failure of any person or officer to perform any act, duty, or obligation enjoined upon him by this chapter, shall be deemed a violation thereof.

Sec. 98. Commissioner or wardens may make arrest or search buildings, camps, boats, etc., with or without warrants; commissioner to notify transportation companies of the names of wardens so empowered. 1929, c. 331, § 57. 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 any provision 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 daytime, and no sealed railroad car shall be entered for the above purposes without such warrant. Any magistrate may issue warrants to search within his jurisdiction any dwelling-house or premises for the purpose above set forth; provided, however, that the

commissioner shall, on or before the 1st 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.

Disposition of Money Received Under This Chapter.

Sec. 99. Collection and disposition of money received under provisions of this chapter. 1929, c. 338. All fines and penalties recovered and money received, or collected under any provision of this chapter, or for sale of seized fish or game, or fur-bearing animals, or parts thereof, after deducting legal taxable costs shall be paid within 30 days by the person receiving the same to the commissioner, to be paid by him to the treasurer of state. All fees, fines and penalties recovered and money received, or collected, and paid to the treasurer of state as aforesaid in excess of \$100,000 shall be credited to the department of inland fisheries and game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created.

Provided, further, that if any of such fees, fines, penalties or other moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse, but be carried as a continuing account and available for the purposes herein specified until expended.

Any officer, or other person who shall receive any fine or penalty, or any part thereof, for the violation of any inland fish or game law, or rule and regulation, or any fees for licenses issued by authority of any inland fish and game law and shall neglect for more than 30 days to pay the same to the commissioner as herein provided, shall be punished by a fine of not less than \$50, nor more than \$100 and costs of prosecution for each offense.

Jurisdiction of Offenses. Court Proceedings. Penalties.

Sec. 100. Officers may arrest without process; impersonating game wardens; jurisdiction. 1929, c. 331, § 58. 1933, c. 68. 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. Any game warden or deputy game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden or deputy game warden. 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.

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Sec. 101. Jurisdiction. 1929, c. 331, § 60. Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provision of this chapter.

Sec. 101-A. Fish and game wardens may accept personal recognizances in certain cases. 1931, c. 84. Any warden of the department making an arrest for any violation of any provision of this chapter at a point more than 50 miles distant from the nearest trial justice, or municipal court having jurisdiction, may accept the personal recognizance of the prisoner in the sum of not exceeding \$100 for his appearance before the nearest trial justice or municipal court on a specified date and a deposit in money to the amount of said recognizance. Said warden shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in said court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited as aforesaid forfeited, and shall notify the commissioner of said default and forfeiture who shall revoke any and all licenses or permits held by said respondent issued under the provisions of this chapter.

All money forfeited as aforesaid shall be immediately paid over to the commissioner.

Sec. 102. Violations may be settled by commissioner; fines to be applied to department. 1917, c. 219, § 87. The provisions of section 102 of chapter 2 of the public laws of 1933, relating to the powers of the commissioner of sea and shore fisheries, are hereby extended to the commissioner of inland fisheries and game.

Sec. 103. Proceedings in case of violation by a corporation. 1929, c. 331, § 61. 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 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. 104. County attorneys to prosecute violations. 1917, c. 219, § 89. Each county attorney shall prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioner, or any officer charged

with its enforcement; such prosecution shall at all times be subject to the supervision and control of the commissioner.

Sec. 105. Participant in violation may be compelled to testify. 1917, c. 219, § 90. In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioner, or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.

Sec. 106. Result of court cases shall be reported to commissioner. 1929, c. 331, § 62. Every magistrate or the clerk of the court before whom any prosecution under this chapter is commenced, or shall go on appeal, within 20 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.

Sec. 107. Penalties. 1929, c. 331, § 64. 1931, cc. 207; 225, § 14. 1933, c. 81. Whoever violates any of the provisions of this chapter or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been hereinbefore provided, may be punished by a fine of not less than \$10 nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment, except as hereafter noted:

(a) Whoever violates any provision of this chapter relating to beaver shall be punished by a fine of not less than \$50 and costs for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(b) Whoever violates the provisions of section 49 shall be punished by a fine of not less than \$200, nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Notices on petitions to legislature for special legislation on fish and game, c. 2, § 53.
Fish and game wardens constituted state fire wardens, c. 11, § 35.
Notices on shores of protected waters, P. L. 1933, c. 2, §§ 38, 39.
Penalty for falsely assuming to be an inland fish and game warden or commissioner of inland fisheries and game, c. 133, § 25.

Possession of Firearms or Fishing Tackle.

Sec. 108. Possession of firearms or fishing tackle in forests or on waters of state without certificate prima facie evidence of violation of law. 1919, c. 173, § 9. 1923, c. 121, § 7. The possession of any firearm or fishing tackle in the fields or forests or on the waters or ice of the state by a resident of this state, unless the person having such firearm or fishing tackle in possession has in his possession a certificate of registration as herein provided, duly issued to him and covering the period such firearm or fish-

ing tackle is found in his possession, or gives satisfactory evidence of the issuance of such certificate, shall be prima facie evidence of hunting or fishing in violation of law.

Expiration Date of Licenses.

Sec. 109. Expiration date of licenses. 1931, c. 91. All licenses and permits issued under the provisions of this chapter, unless otherwise specifically provided for, shall expire on December 31st following the date of issue.

Biennial Revision.

Sec. 109-A. Biennial revision of "Fish and Game" laws, 1931, c. 104. As soon as practicable after the adjournment of the legislature, the revisor of statutes, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and game. This revision shall take the place of chapter 38 of the revised statutes of 1930 and all acts or parts of acts amending said chapter. It may be cited as "chapter 38 of the revised statutes", and each revision shall replace the previous revision. The revision shall be printed in a pamphlet of the same sized pages as the laws of the state, and the printing and distribution thereof shall be the same as in the case of the biennial laws; except that the commissioner may issue as many extra copies of the said chapter 38 in whatever size pamphlet seems best to him as he deems necessary or helpful to inform the people as to the fish and game laws.

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