

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

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known as the commissioner, as the basis upon which his apportionment of the stipend shall be made as provided in section 8 of this chapter.'

Approved March 22, 1935.

Chapter 70.

AN ACT Relative to Dogs Hunting Moose, Caribou, Deer or Elk or Worrying Domestic Animals.

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

R. S., c. 38, §§ 64, 65, amended. Chapter 38 of the revised statutes is hereby amended by repealing sections 64 and 65 and substituting in place thereof the following section to be numbered 64:

'Sec. 64. Dogs shall be killed for hunting moose, caribou, deer or elk or worrying domestic animals. It is unlawful for any dog to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk or any other wild animal in closed season and no person shall permit any dog owned by him to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk at any time or any other wild animal in closed season. Any officer may kill any dog, which he finds in the act of hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk at any time or any other wild animal in closed season or worrying, wounding or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any person having evidence of any dog, hunting, chasing, killing, wounding or pursuing moose, caribou, deer or elk at any time or any other wild animal in closed season may present said evidence to the commissioner of inland fisheries and game or any game warden or deputy game warden who shall give notice in writing to the owner or keeper of said dog stating the acts committed by said dog. The owner or keeper of any dog so notified, shall not permit any dog mentioned in said notice to leave the immediate control of said owner or keeper under the penalty as provided in section 107. Any dog whose owner or keeper has been so notified in writing by a game warden may be killed by anyone when found committing any act prohibited by this section. 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, chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, 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 fur-bearing animals legally 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

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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 by any officer. The costs of prosecution shall be paid by the owner or keeper of said dog. Any person may lawfully kill a dog which suddenly assaults him or another person.'

Approved March 22, 1935.

Chapter 71.**AN ACT Relating to Offenses Against Habitations and Other Buildings.**

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

R. S., c. 130, §§ 1, 2, 3, 4, amended. Sections 1, 2, 3, and 4 of chapter 130 of the revised statutes are hereby amended to read as follows:

'**Sec. 1. Burning of dwelling-houses; offense may constitute murder; penalties.** Whoever wilfully and maliciously sets fire to or causes fire to be set to the dwelling-house or any building, occupied in part for dwelling or lodging-house purposes and belonging wholly or in part to himself, his wife or to another, or to any building adjoining thereto owned wholly or in part by himself, his wife or another, with intent to burn such dwelling-house or building, shall be punished by imprisonment for not less than 1 year, nor more than 20 years. Whoever wilfully and maliciously sets fire to or causes fire to be set to a dwelling-house or any building owned by himself, and thereby endangers a dwelling-house or other property of his wife or of another shall be punished by imprisonment for not less than 1 year, nor more than 20 years. Should the life of any person be lost in consequence of any such burning such offender shall be deemed guilty of murder, and punished accordingly.'

'**Sec. 2. Burning of public and private buildings; penalty.** Whoever wilfully and maliciously sets fire to any meeting-house, court-house, jail, town house, college, academy, or other building erected for public use, or to any store, shop, office, barn, or stable of his wife or another within the curtilage of a dwelling-house, so that such dwelling-house is thereby endangered, and such public or other building is thereby burned in the night time, shall be punished by imprisonment for any term of years; but if such offense is committed in the day time, or without the curtilage of, and without endangering a dwelling-house, by imprisonment for not less than 1 year, nor more than 10 years.'

'**Sec. 3. Burning of other buildings, vessels, bridges, etc.; penalty.**