

MAINE STATE LEGISLATURE

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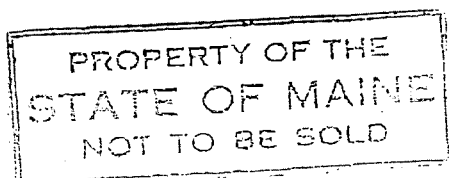
ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

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Sixth
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, 1933, 1935, 1937, 1939 and 1941; compiled and published by the Revisor of Statutes in accordance with the provisions of chapter 104 of the public laws of 1931.

(Effective July 26, 1941)

FOREWORD

This revision of chapter 38 of the Revised Statutes of 1930 is issued in compliance with the provisions of 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, the new section placed between old sections 9 and 10 is numbered § 9-A. This prevents the confusion that always arises when section numbers are changed.

Some of the former sections have been repealed and in a few instances new sections have been enacted under the former section number. These are indicated by footnotes.

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, 86th, 87th, 88th, 89th and 90th 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.

Sec. 2. Duties and office. 1919, c. 201. 1929, c. 331, § 2. 1931, c. 216, Art. V, § 2. 1935, c. 174. 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.

The commissioner shall establish a fishway patrol from the Bangor Dam, north, on the Penobscot river, when said fishways shall have been rebuilt and put in a usable condition.

Sec. 2-A. Care and maintenance of state museum. 1939, c. 311, § 2. The department of inland fisheries and game shall have the care and maintenance of the state museum.

Sec. 3. Commissioner may continue rules and regulations; penalty for violation thereof. 1929, c. 332. 1933, c. 179. 1935, c. 12. All rules and regulations of the commissioner of inland fisheries and game now in effect or hereafter promulgated shall remain in force until changed by further rules and regulations of the commissioner of inland fisheries and game, or by the legislature. Whoever violates any provision of any rule and regulation of the commissioner promulgated by virtue of this chapter shall be subject to the penalties provided in section 107.

Sec. 4. Rules and regulations; how issued. 1929, c. 331, § 3. 1931, c. 233, §§ 1, 2. 1935, c. 171. Upon petition of a majority of the municipal officers or 25 citizens of the town or towns in which the waters or lands to

be affected lie, or, upon the petition of a majority of the county commissioners in case said waters or lands lie in unorganized townships, or upon the initiative of the commissioner of inland fisheries and game stating the conditions affecting the waters or lands and the regulations which are desired as a remedy, the commissioner may regulate the times, places, number, weight and manner in which inland fish may be taken, hearing shall be held upon the subject matter of each petition in the several counties annually at the times and places as may be selected by the commissioner, during the period from September 15th to December 14th; said hearings to be held and rules and regulations promulgated as hereinafter provided; all petitions shall be in the office of the commissioner of inland fisheries and game before the 1st day of September of each year. Notice of hearings to be held and the times and places thereof shall be published once a week for 2 successive weeks prior to the hearing in a newspaper within the county in which the waters or lands affected lie and in case no newspaper exists, in the state newspaper. Hearings may be held by the commissioner or such subordinate officer of the department of inland fisheries and game as the commissioner may designate. The commissioner may request the presence of the member of the advisory council, within whose councilor district said waters or lands to be affected lie, at said hearing. Upon the expiration of the period during which said hearings are to be held the commissioner with the advice and consent of the advisory council shall make such rules and regulations as may be deemed advisable within the scope of the petition and hearing held thereon and cause notice of the same to be published once a week for 2 successive weeks prior to January 1st in a newspaper in the counties wherein the waters or lands to be affected lie or in case no newspaper is published therein said notice shall be published in the state newspaper; and the commissioner shall file a copy of said regulation, certified by him, with the secretary of state and with the clerk of courts of the counties affected. Upon January 1st of each year all such regulations shall take effect. Provided, that if in the judgment of the commissioner the supply of fish in any waters is apt to be depleted by a large and unusual concentration of fishermen he may declare that an emergency has arisen and hold a hearing thereon at any time, in the manner and form provided herein, notice of said hearing and notice of regulations promulgated as a result of said hearings shall each be published once a week for 2 successive weeks in a newspaper in the county where said emergency exists, and if no such newspaper exists then it shall be published as above set forth in the state newspaper. Said regulations shall take effect on the date of the last publication thereof and certified copies shall be filed as in the case of annual hearings. Whoever violates any provisions of this section shall be subject to the penalty of section 107.

Revisor's note: Former sections 3, 4, 4-A and 4-B were repealed by chapters 12 and 171 of P. L., 1935 and new sections 3 and 4 enacted in place thereof.

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. 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. 1935, c. 5, § 1. The commissioner is authorized to keep on hand at all times sufficient copies of the inland fish and game laws to furnish to all town clerks or agents authorized to issue licenses so that they 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, landlocked 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. 1937, c. 89. 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 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.

Sec. 9-B. Keeping of wild animals in captivity prohibited; exceptions;

fees; care and treatment. 1937, c. 2. A. As used in this section, the following terms shall have the following meanings:

"Roadside menagerie." Any place where 1 or more wild animals are kept in captivity, either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade. The term will not include the exhibition of any animal in connection with any theatrical exhibition or circus or agricultural fair.

"Wild animal." Any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity.

B. It shall be unlawful for any person to keep any wild animal in captivity upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for exhibition, or the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for "roadside menagerie." Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing, and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50.

No permit shall be granted by the commissioner until he is satisfied that the provisions for housing and caring for the wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by him.

All permits shall expire with the calendar year and may be revoked by the commissioner at any time prior thereto for failure to comply with the rules and regulations of the commissioner adopted pursuant to this section.

The commissioner is charged with the enforcement of this section and shall adopt, publish and enforce rules and regulations for the housing, care, treatment, feeding, and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Each day during which a roadside menagerie is maintained without a permit shall constitute a separate offense.

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 investigations 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 provisions 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. Civil Service Commission.

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. 1935, c. 128. 1941, c. 10, § 1. 1941, c. 10, § 2. The commissioner shall appoint persons as inland fish and game wardens who shall have

qualified under the rules established in the civil service code authorized under the provisions of sections 13-A to 13-H inclusive, of this chapter, who shall continue to hold office, subject to the provisions of said civil service code, whose duty it shall be to 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 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 qualified as above may serve all processes pertaining to the enforcement of any provision of this chapter, or the execution of, or collection of, any penalty imposed thereunder, or any order of court pertaining to the enforcement of any provision of this chapter.

Revisor's note: Former section 13 was repealed by P. L., 1941, c. 10, § 2.

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. Except as otherwise herein provided 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; sheriffs to search for lost hunters and fishermen. 1929, c. 331, § 11. 1941, cc. 10, § 2; 189. 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 appointed under the 10 preceding sections shall hold no other state or county office from which they receive compensation. Whenever it shall come to the attention of the sheriff of the county or his chief deputy that any person known to have gone upon a hunting or fishing trip, or a trip for any other purpose, within his county has not returned within a reasonable time after his departure, such sheriff or such chief deputy, with such aids as he deems necessary, shall search for such person and shall be entitled to reasonable fees and expenses for his services and of his aids to be paid by the treasurer of his county. Before the said sheriff or his chief deputy shall incur additional expense at the end of the first 24 hours' search, he shall obtain the consent of a majority of the county commissioners of the said county.

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. 15-A. Junior guides; requirements for; examining board. 1937, c. 28. The commissioner shall appoint a board of 3 members, 1 member of which shall be a Maine camp director, who shall serve without compensation, to be known as the "Junior Guides Examining Board." Appointments to said board shall be for 3 years or until successors are appointed.

Said board shall hold such meetings as may be necessary and shall adopt rules and regulations establishing standards of requirements and methods of ascertaining fitness of candidates for registration as junior guides.

All candidates must be between the ages of 14 and 21 years and those who pass the required examinations shall be presented with appropriate certificates by the commissioner and may obtain a junior guide's license upon payment of a fee of 50 cents.

No junior guide may receive remuneration for services, or compete in any way with regular Maine guides.

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. 1937, cc. 17, 29. 1941, c. 100. 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 \$5 shall be paid annually for the registration of a Class A guide and a fee of \$4 shall be paid annually for a Class B guide. Non-residents may be so licensed upon payment of a fee of \$40. Persons licensed under this section may hunt and fish by virtue of their guide's license.

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 §§ 9-B, 40, 50, 80.

See R. S., 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. 1935, c. 185. 1937, c. 63. 1939, c. 219. 1941, c. 110. No resident of the state over 18 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 Veterans' Administration Facility shall be, and hereby are, classified 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 \$1.15, 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 15 day license to cost \$3.15, effective for 15 days from the date of purchase thereof, and a season license, effective for the entire season, to cost \$5.15, but the amount paid for a 15 day 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, 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.

(9) No person required by law to pay a poll tax in this state shall be granted a resident hunting, fishing or combined hunting and fishing license until he shall present a receipt or a certificate that he has paid his poll tax in the town where he resided for the year preceding that for which the license is applied for, or a receipt or a certificate from the taxing authority of that town that he was legally exempted therefrom, or that the tax has been abated.

See § 41, ¶ 8; § 43.

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

Revisor's note: The following section 295-A of chapter 1 of the public laws of 1933 affects sections 19, 41 and 42 of chapter 38:

'Sec. 295-A. Indians to have free hunting, trapping and fishing. 1941, c. 74. *All Indians of over 18 years of age of both the Passamaquoddy and the Penobscot tribes may procure from the commissioner of inland fisheries and game a license to hunt, trap and fish free of charge upon presentation to the commissioner of a certificate from the Indian agent of their respective tribe stating that the person described therein is an Indian and a member of that tribe. Holders of such licenses shall be subject to all the laws of the state and rules and regulations of the commissioner relative to fishing, trapping and hunting, and for violation of said laws of the state or rules and regulations of the commissioner said licenses shall be revoked as provided in chapter 38 of the revised statutes as revised. For the purposes of this section, no person shall be considered an Indian unless his father and mother were Indians.*

Sec. 19-A. Duplicate licenses; fees for. 1937, c. 70. The commissioner of inland fisheries and game, shall, upon receipt by him of satisfactory proof that any person has accidentally lost or destroyed any license issued

to him by virtue of this chapter, issue a duplicate license to said person upon payment of a fee of 25 cents.

Revisor's note: Former section 20 was repealed by P. L., 1937, c. 18; a new section 20 enacted in 1939.

Sec. 20. Closing fishways to fishing. 1939, c. 233. It shall be unlawful for any person to fish in, or within 150 feet of any fishway. Provided, however, that this section shall not preclude the taking of alewives and smelts in accordance with the laws regulating sea and shore fisheries.

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. 1941, c. 77. 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; provided, further, that no salmon or togue less than 14 inches in length, nor trout less than 7 inches in length, no white perch less than 6 inches in length, and no black bass less than 10 inches in length shall be caught and killed or had in possession by any person at any time except as provided for by the rules and regulations of the department. It shall be

lawful to fish for white perch in all ponds and lakes of Androscoggin county after April 15 of each year.

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 preceding 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.

Sec. 24. Fishing on ponds formed by brooks, streams and rivers, regulated. 1939, c. 136. All ponds of 10 acres or less in area, formed on brooks, streams or rivers, shall be governed by the same law or rules and regulations, regulating fishing, that apply to the brook, stream or river on which they are situated, whether said pond be natural or artificial.

Revisor's note: Former section 24 now appears in the rules and regulations; a new section 24 was enacted in 1939.

Sec. 25. Daily limit on pickerel. 1941, c. 169. No person shall take, catch or kill more than 10 pickerel in any one day. No person shall have in possession more than 10 pickerel taken, caught or killed in any one day. Provided, however, that the provisions of this section shall not apply in Washington county.

Revisor's note: Former section 25 was changed to a rule and regulation by P. L., 1933, c. 235; a new section 25 enacted in 1941.

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 as formerly enacted 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. 1937, c. 122. 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, white perch or white fish for gain or hire, shall for every such offense pay a fine of \$50 and costs, except that pickerel legally taken in the county of Washington, may be sold by the person taking the same.

Sec. 27-A. Lumber camps shall not serve salmon, trout or togue. 1933, c. 190. 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. 1935, cc. 22, 34. 1937, c. 61. 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 as hereinafter provided), 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 1¼ 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, Pocumpus lake and Western Grand lake, all in Washington county, and in Mattawamkeag lake in Aroostook county during the month of November of each year.

80 Me. 349.

Sec. 28-A. Ice fishing regulated. 1935, c. 16. Any person legally licensed may fish through the ice in the daytime with not more than 5 set lines, when under the immediate supervision of the person fishing, in any waters that are open to ice fishing and in the night-time for cusk, in any waters open for cusk fishing in the night-time. Any person who violates the provisions of this section shall be subject to the provisions of section 107.

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. 1935, cc. 20, 164. 1941, c. 78. 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 flowing directly into tide-water, 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 night-time during such period as the waters fished in are open to fishing for salmon, trout and togue.

It shall be unlawful to take smelts in any of the inland waters of York county above tide-waters in any manner from March 20 to May 20 each year. Smelts may be taken in the daytime only and in no other method except with hook and line in the lakes and ponds in York county from May 21 of each year to September 30, both dates inclusive. Smelts may also be taken in the lakes and ponds open to ice fishing in York county with hook and line, but in no other method during the time when said lakes and ponds may be open to ice fishing under the general law. Whoever violates the provisions 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.

Revisor's note: Part of this section as formerly enacted was changed to rules and regulations by P. L., 1933, c. 235.

Sec. 29-A. Taking of hellgrammites. 1939, c. 188. No person shall take, buy or transport any hellgrammites for use beyond the limits of this state.

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. 1941, c. 22. 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.

The commissioner may issue a permit to any licensed trapper to take not more than 20 pounds of eels annually for use as bait in trapping.

Sec. 31. Transportation of fish, regulated. 1917, c. 66, § 2; c. 219, §§ 28, 29. 1919, c. 196, § 6. 1923, c. 123. 1931, c. 277, § 33. 1935, c. 56. Any person who is legally licensed to fish in the inland waters of Maine, may transport to his home in any 1 day the bag limit for 1 day, said bag limit being regulated by the daily bag limit on the waters in which said fish were taken, when open to view and in the possession of the person who caught said fish. Any person legally in possession of any fish, may once in 10 days offer one day's bag limit as above designated, to a common carrier for transportation to his home by purchasing of the commissioner or one of his agents a transportation tag paying therefor \$1. The agent of said carrier shall indorse upon the back of the shipper's license, in ink, the following: the shipping point, date of shipment, weight and number of each kind of fish contained therein, and the destination. Such shipment shall have affixed the license number and the kind and weight of fish contained therein. Such agent shall refuse to accept any consignment of fish if it appears that the consignor is not entitled to make such shipment. Except that shipments of fish, legally in possession, may be made as above under this section once per year from Rangeley lake, Mooselucmeguntic lake, Cupsuptic lake, Richardson lake, Upper, Richardson lake, Lower, and at any time from Moosehead lake and all waters of Piscataquis county.

Revisor's note: Former sections 31, 32 and 33 were repealed by P. L., 1935, c. 56; and a new section 31 enacted.

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. 1941, c. 162. 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 mentioned 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, and St. John river, excepting all its tributaries. 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.

See P. L., 1935, c. 27, in re deposit of refuse in Damariscotta river.

Sec. 36-A. Planting of fish in inland waters. 1935, c. 167. No person, firm, corporation, department head or employee of the state of Maine shall deposit or plant any fish or fish spawn obtained from or raised by the state of Maine or the federal government in any brook, stream or river of this state within a distance of 5 miles down stream of any saw mill, wood working plant or factory, which deposits in said inland waters, or on the banks thereof, in such manner that the same may fall or be washed into said 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.

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 proprietor 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 wherever found that migrate from the ocean into fresh water shall be under the concurrent jurisdiction of the commissioner of sea and shore fisheries and the commissioner of inland fisheries and game.

See P. L., 1933, c. 2, § 7.

Hunting and Trapping. Definitions. Licenses. General Provisions.

Sec. 40. Hunting, alien, jack-light, and trapping defined. 1929, c. 331, § 15. 1933, c. 189. 1937, cc. 19, 77. 1939, c. 121. In addition to the definition of words and terms mentioned in this chapter are the following:

a. Hunting means to hunt for, 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 any firearm other than a 22 caliber pistol.

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. 1935, c. 185. 1937, cc. 20, 24, 27, 31, 88. 1941, cc. 182, 210. 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 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 Veterans' Administration Facility 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 \$1.15, of which 15 cents shall be retained by the town clerk. A combination hunting and fishing license may be issued on payment of \$2.15, 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, foxes and unprotected wild birds or wild animals only shall be issued on payment of \$10.15 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 com-

missioner 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, foxes and unprotected wild birds and animals only, on the payment of \$2.15, of which 15 cents shall be retained by the agent issuing the license. Any resident under the age of 18 years may hunt without a license if accompanied at all times by a parent or guardian while in the fields or forests or on the waters or ice of the state with fire-arms in his possession, except that any resident under the age of 18 may procure a license to hunt by filing with the clerk issuing the license the written consent of his parent or guardian.

6-A. The hunting license of 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 be revoked immediately by the commissioner and such person shall thereafter not be eligible to procure a hunting license.

See R. S., c. 129, § 3.

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.

8. Any fishing or hunting license or permit of any kind issued by authority of this chapter, which shall have been procured through fraud, misstatement or misrepresentation of any kind, shall be null and void, so also shall be any license or permit procured by any person during the period for which a license or permit held by said person shall have been suspended or revoked. Any person who shall procure a fishing or hunting license or any other license or permit of any kind issued under the provisions of this chapter either by fraud, misstatement or misrepresentation of any kind, or who shall procure a license or permit during the period for which his license or permit is suspended or revoked, shall be subject to the penalties as set forth in section 107.

See note at end of § 19.

Sec. 42. Trapping licenses; fees therefor. 1929, c. 331, § 43. 1931, cc. 226, 257. 1933, c. 91. 1937, c. 21. 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 warden supervisor 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. Any person who has been found guilty by the court of breaking and entering, or of larceny, shall not be eligible thereafter to obtain a trapper's license.

See note at end of § 19.

Sec. 43. Hunting and fishing licenses; revocation of. 1929, c. 331, § 49. 1931, cc. 147, 225, § 20. 1933, c. 79. 1937, c. 170. 1939, c. 226. 1941, c. 156. Upon conviction of any person holding a license or licenses under the provisions of this chapter, as revised, of any violation of sections 9-B, 15, 17, 26, 27, 28, 44, 45, 46, 46-A, 47, 48, 49, 59, 60, 61, 61-A, 62, 63, 64, 66, 69, 73, 81, 91, 92, 93, 94, 95, the commissioner shall revoke the license issued such person to carry on the particular activity in which he was engaged at the time of such violation, for the period of one year from the date when notified of said conviction as hereinafter provided.

On conviction of any person holding a license or licenses issued under the provisions of this chapter, as revised, of the violation of any of the

sections of this chapter not hereinbefore mentioned or of any rules or regulations of the commissioner, the commissioner may revoke any license or licenses held by such person for a period of not less than 3 months nor more than 1 year from the date when notified of said conviction as herein-after provided.

Any person whose license or licenses has been revoked under the provisions of the second paragraph of this section may request a hearing by the commissioner, at which hearing all the facts concerning the violation shall be presented and the license or licenses may be returned by the commissioner if he finds the best interests of conservation are served thereby.

In the event that any person convicted of the violation of the provisions of any section of this chapter or of any rules and regulations of the commissioner of inland fisheries and game, shall appeal from the sentence imposed therein the commissioner may suspend any or all licenses held by such person during the pendency of said appeal and until final disposition of said appealed case.

If at the time of conviction of any person charged with a violation of the provisions of any section of this chapter, such person shall not be the holder of a license or licenses to conduct the particular activity in which he was engaged at the time of such violation, the commissioner of inland fisheries and game shall not issue any such license to said person until 1 year has elapsed from the date of final determination of any complaint or legal proceedings instituted as the result of said violation.

In the event that any person shall be convicted for a 2nd or successive violation of the provisions of any section of this chapter, or of any rules and regulations of the commissioner of inland fisheries and game, the commissioner shall revoke the license or licenses of such person, or refuse to issue a license or licenses to such person not the holder of a license at the time of conviction, for a period which shall be double the period hereinbefore provided for 1st violation of any of said sections, but in no case for less than 1 year.

Trial justices, judges or recorders of municipal courts, and clerks of superior courts, upon conviction of any person for violation of any of the provisions of this chapter, shall immediately forward to the commissioner of inland fisheries and game a transcript of the records of said proceedings with a record of any appeal entered on any judgment or sentence of said court.

Sec. 43-A. Hunting while intoxicated or under the influence of drugs prohibited; prima facie evidence of hunting in violation of law; penalty. 1941, c. 56. No person shall hunt while intoxicated or under the influence of drugs. The possession of any firearms in the fields or forests or on the

waters or ice in the state by any person while intoxicated or under the influence of drugs shall be prima facie evidence that the possessor was hunting in violation of law. Whoever violates any provision of this section shall, upon conviction, be punished by a fine of not less than \$10 nor more than \$300, or by imprisonment for not less than 30 days nor more than 6 months.

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. 46-D. Vehicles required to stop upon signal. 1939, c. 108. It shall be unlawful for the operator of any motor vehicle to fail or refuse to

stop any such vehicle or conveyance of any kind, upon request or signal of any officer whose duty it is to enforce the game laws when such officer is in uniform.

Sec. 47. Use of silencers on firearms prohibited. 1929, c. 331, § 37. 1941, c. 10, § 2. 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 or 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. 1941, c. 95. 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. The commissioner may, however, grant permits to agents of the Federal Fish and Wildlife Service and to fruit growers to use poisons in the destruction of rodents.

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, cc. 76, 279. 1941, c. 36. Non-residents shall not kindle fires upon any unorganized township, while engaged in camping, fishing or hunting from May 1st to December 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 3 non-residents in hunting.

Revisor's note: Former section 52 was repealed by P. L., 1937, c. 22.

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, hunting 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. 1937, c. 86. No person shall introduce or import any wild bird or wild animal, or part thereof, of any kind or species into the state, or receive or have in possession such wild bird or wild animal, 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. 1937, c. 126, § 2. 1941, c.

148. 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). Provided, however, that no migratory game bird shall be hunted, captured or killed in the county of York before October 1st of each year.

Sec. 55-A. Field trials permitted for bird dogs or coon dogs. 1941, c. 155. It shall be lawful to hold bird dog or coon dog field trials at any time. During the field trials permitted in this section, no person shall use any firearm other than a pistol loaded with blank ammunition.

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 any-wise 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 R. S., c. 139, §§ 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.

Revisor's note. Chapter 103 of the Resolves of 1941 set the open season on pheasants:

"Resolved: *That the commissioner of inland fisheries and game be, and hereby is, authorized and directed to declare an annual open season on pheasants from November 1 to November 14, both dates inclusive, and establishing a daily bag limit of 2 pheasants per day per person and a seasonal limit of 12 pheasants per person."*

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 and transporting of moose and caribou, prohibited; exceptions; license for non-resident; permission shall be received before importation. 1929, c. 331, § 24. 1935, c. 181. No person shall hunt, kill, transport 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.

Revisor's note: The majority of the provisions of P. L., 1935, c. 181 have expired.

Sec. 61. Closed time on deer in certain counties. 1929, c. 331, § 25. 1931, cc. 63, 187, 232. 1933, c. 255, §§ 1, 2. 1935, c. 156. 1937, cc. 3, 66. 1939, cc. 190, 231, § 1; 268. 1941, c. 200. There shall be an annual closed season on deer in the counties of Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington 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, Somerset, Piscataquis, Franklin and Oxford from the 1st day of December of each year to the 20th 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, and in the town of Islesboro, in the county of Waldo, where there shall be a continual closed season until July 1, 1949, 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 may have the same in possession at his home in closed season, provided said deer has been properly registered, as provided in section 67.

Sec. 61-A. Horning of deer, prohibited. 1933, c. 84. 1937, c. 85. It shall be unlawful to drive deer by the use of horns, whistles or other noise-making devices. It shall also be unlawful for any person to hunt deer after he has killed one during that calendar year.

Sec. 61-B. Crop and orchard damage. 1941, c. 200. 1. Any person may take on land owned or occupied by him deer which he can prove was in the act of doing substantial damage to a fruit tree or a crop, except grass; and he may authorize a member of his family or a person employed by him to take such deer. A person by whom, or under whose direction, such deer is wounded or killed, shall, within 12 hours, report all the facts relative to such act, in writing signed by him, to a fish and game warden. Such report shall state the time and place of such wounding or killing and the amount of damage done by the deer. A person who kills such deer shall immediately properly dress the carcass or carcasses and care for the meat. The fish and game warden shall immediately investigate the case and if he is satisfied that the deer was taken as herein provided, he shall give the person a certificate of his finding in the matter. Such certificate shall entitle such person to the ownership of the carcass, or carcasses.

2. The cultivator of any orchard or growing crop, except grass, or the owner, mortgagee or keeper of said crops, or orchard, may kill deer or other protected animals, or birds, found doing damage as provided in paragraph 1 of this section. Said cultivator, owner, mortgagee or keeper shall within 12 hours make the report as provided in paragraph 1 of this section and shall dress the carcass, or carcasses, and care for the meat as provided in said paragraph 1. The fish and game warden shall immediately investigate the case and, if he is satisfied that the deer was taken as herein provided, he shall give said cultivator, owner, mortgagee or keeper a certificate of his finding in the matter. Such certificate shall entitle said cultivator, owner, mortgagee or keeper to the ownership of the carcass, or carcasses.

3. The owner, or occupier of land, mentioned in paragraph 1 of this section or the cultivator, owner, mortgagee or keeper, mentioned in paragraph 2 of this section shall within 3 days after he discovers there is damage being done to said fruit tree, orchard or growing crop except grass, by deer or other protected animals, or birds, report the same in writing to the commissioner of inland fisheries and game either directly or to the inland fish and game warden in whose district said crop, or fruit tree, or orchard, is being damaged. Said commissioner shall thereupon cause to be made such investigation as is necessary to determine the facts, and, if he finds that damage has been done as alleged, he shall authorize payment for said damage.

4. Whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of paragraphs 1 and 2 of this section shall in no wise be protected or be entitled to any claim for damages under this section; and it shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto.

5. Any dead deer found in the woods not having a tag attached thereto identifying the owner thereof shall be the property of the state of Maine and shall be seized by the first warden who finds said carcass, to be disposed of by direction of the commissioner.

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 night-time. No person shall have in possession at any time when he is upon the wild lands, water or highways, or in the woods or fields of the state, or in any camp, lodge, or place of resort for hunters or fishermen, or in its immediate vicinity, any jack-light or light fitted for use in hunting in the night-time, or any swivel, pivot, or set gun; nor shall any person have in possession at any time any spear, trawl or net, except such as are authorized for the taking of suckers, eels, 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.

See § 72, ¶ (d).

Sec. 64. Dogs shall be killed for hunting moose, caribou, deer or elk or worrying domestic animals. 1929, c. 331, §§ 28, 29. 1931, c. 51. 1935, c. 70. 1937, c. 117. 1941, c. 10, § 2. 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 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 poultry, or any member of his family, or any person to whom is intrusted the custody of any sheep or enclosed poultry, shall have a right to kill any dog killing or attacking any of said sheep or enclosed poultry. 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 wounding, killing or attacking 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 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.

Revisor's note: Former sections 64 and 65 were repealed by P. L., 1935, c. 70, and a new section 64 enacted.

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. 1939, c. 232. 1941, c. 181. The commissioner shall establish game registration stations for the purpose of registering all deer killed. Said stations shall be in charge of an agent designated by the commissioner and a list of the same shall be published in 1 or more daily newspapers of the

state. Said agent 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.

All deer killed shall be presented for registration by the person who killed the same and it shall be registered in his name at the first game registration station. No person shall at any time in any manner transport or move any deer or part thereof unless open to view and there is securely attached thereto a tag bearing the name and address of the person who killed said deer and it shall be accompanied by him while being transported. Provided, however, that any person who has lawfully killed a deer may employ an agent to transport said deer, open to view and bearing attached thereto a tag bearing the name and address of the person who killed said deer. Said agent shall transport said deer to the first game inspection station. The game inspector at said game inspection station shall receive said deer and hold it until called for by the person who killed said deer, and at such person's risk.

No person shall keep a deer at his home, or at any place of storage, except a game inspection station as hereinbefore provided, more than 12 hours unless said deer is registered.

If any person leaves the woods without taking a deer which he has killed with him he shall notify a warden in writing within 12 hours as to the location of the deer and the circumstances necessitating his leaving the same in the woods.

No person shall present a deer for registration or permit to be registered in his name any deer which he himself did not kill, and no person shall have in possession at any time any deer or part thereof, except as herein provided.

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. 1935, c. 25. 1937, c. 57. 1941, c. 164. 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 counties of Franklin and Somerset where there shall be a closed season from the 1st day of April to the 30th day of the following September, both days inclusive, and except in the county of Waldo where there shall be a closed season from the 16th day of March 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, however, that it shall be lawful at any time, for the commissioner of inland fisheries and game to take and transport live hares or rabbits by purchasing live hares or rabbits from local trappers who may take the hares or rabbits by box traps for this purpose throughout the several counties of the state, whenever he may deem it necessary for the proper distribution and conservation of said animals. Provided, however, it shall be unlawful for any person or corporation to transport or offer for transportation at any time any 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. 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. 1935, c. 143. 1937, cc. 38, 148, 154. 1939, cc. 133, 174, 216. 1941, cc. 153, 154, 179, § 1; 185, § 1. (a) There shall be a perpetual closed season on hunting or trapping any fur-bearing animal, except as provided in this chapter and whoever has in possession at any time any fur-bearing animal or part

thereof taken in closed season shall be subject to the penalties of section 107. Fur-bearing animals taken in open season shall not be kept alive in closed season except under the provisions of section 9. The open season on muskrats shall be as follows:

March 20th to April 20th, inclusive, in the counties of Androscoggin, Cumberland, Knox, Lincoln, Sagadahoc, Waldo and York.

April 1st to May 10th, inclusive, in the counties of Franklin, Hancock, Kennebec, Penobscot, Piscataquis, Somerset, Oxford and Washington.

April 1st to May 15th, inclusive, in the county of Aroostook.

Provided, however, that no muskrats shall be hunted or trapped in Lake Alamoosook and Dead river and its tributaries in the town of Orland and county of Hancock.

The open season on mink shall be the month of November only.

There shall be no open season on fisher and sable.

The open season on all other fur-bearing animals, including raccoons, shall be from October 16th to February 15th (bobcats, loupervier, Canada lynx are not fur-bearing within the meaning of this section).

(b) Provided, further, that it shall be unlawful for any person to set or place a trap at any time within 25 feet of, or to molest or destroy, a muskrat house or den, and no person shall make any advance preparation on the trapping grounds, for the trapping of beaver or muskrat, previous to the time the open season begins.

(c) It shall be lawful to hunt and trap bear at any time, anywhere, in the state.

(d) Provided that it shall be unlawful for any person to hunt skunks and raccoons at night, except that they may be hunted at night from October 15th to December 15th of each year under the following provisions: when accompanied by a dog and with the use of a kerosene light only; 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 any raccoon treed by a dog; provided further, it shall be unlawful to use or have in possession any firearms except a 22 caliber pistol while hunting as provided in this paragraph and not more than 2 raccoons shall be taken by any 1 party in any 1 night. The raccoon is hereby classified as a game animal and no more than 20 raccoons may be taken in any 1 season by any 1 person and no person except a licensed fur dealer or owner or manager of a private raccoon ranch may have in his possession at any time more than 20 raccoons or parts thereof.

(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.

Revisor's note: Former sub-paragraph (g) was repealed by P. L., 1939, c. 174. Former sub-paragraph (h) was repealed by P. L., 1941, c. 185, § 2.

(i) Provided, further, that there shall be a closed season on trapping wild animals from May 15th to October 15th, of each year, both days inclusive, except as hereinbefore provided in paragraph (c) of this section, provided, however, that it shall be lawful to trap bobcats in Aroostook county from October 15th to June 15th, both days inclusive.

(k) Fox, coon or rabbit hounds may be trained on foxes, coons and rabbits from September 1st to October 15th, if under the personal supervision of the owner at all times.

Sec. 72-A. Trapping prohibited in certain territory; exception; penalty. 1935, c. 65. 1941, c. 185, § 2. Trapping for all animals except muskrats is hereby prohibited in that portion of York county which is bounded as follows: on the north by federal highway No. 1, on the west by the Mousam river and on the east by the Saco river, and on the south by the Atlantic ocean. The provisions of this section shall not prohibit the commissioner from regulating the trapping of vermin or other predatory animals upon any game preserve within the above described territory. Whoever violates any provisions of this section shall be subject to the penalty provided for in section 107.

Revisor's note: Former section 72-B was repealed by P. L., 1941, c. 192.

Sec. 72-C. Unlawful to trap and hunt fur-bearing animals. 1939, c. 124. 1941, c. 185, § 2. No person shall at any time hunt or trap any fur-bearing animal except muskrats on Number 3 pond located in the town of Lee and in township No. 3, range 1 north of the Bingham and Penobscot Purchase, nor on any stream flowing into said pond. Whoever violates the provisions of this section shall be subject to the same penalties provided under section 107 of this chapter.

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. 1941, c. 184. There shall be a perpetual closed season on beaver except as provided in this section. The commissioner of inland fisheries and game may, upon written complaint of a water company, declare an open season upon beaver or muskrats 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 upon complaint of any owner of land located in an organized township to which land is being caused substantial damage by the presence of a beaver dam, or by flowage from a beaver dam located either on the land of said complainant or other land, the commissioner shall cause the removal of said dam, 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 for trapping said beaver. During such open season said beaver or muskrat may be trapped 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, except as expressly permitted by 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 tagged and marked as directed by the commissioner of inland fisheries and game. All beaver skins must be presented to the warden supervisor in whose division they were caught and if said supervisor is satisfied that the beaver presented were legally trapped in his division he shall tag and mark the same in the manner as directed and with the materials furnished by the commissioner. A fee of \$2 must be paid by the trapper for each skin tagged and marked. All beaver which cannot be tagged and marked within the provisions of this section shall be seized and confiscated. 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. All beaver skins shall be tagged and marked within 10 days from the closing of the open season.

No person, save as herein provided, shall molest or destroy any beaver dam. No person shall molest or destroy any beaver house or set any trap within 25 feet of the same. No person shall set or tend any trap within 200 feet of any beaver dam or flowage except during an open season on beaver on said flowage.

Revisor's note: Section 74 was repealed by P. L., 1941, c. 185, § 2.

Sec. 75. Digging out foxes and raccoons, regulated. 1929, c. 331, § 42. 1937, c. 116. From the 15th day of February to the 15th day of October, both days inclusive, no person shall dig out, molest, or destroy, in any way, any fox or raccoon den, den tree or hole, or set any trap in any such den, den tree, or hole, or remove or cause to be removed from any such den, den tree, or hole any fox or raccoon except those enclosed in private fox or raccoon 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.

Bounties.

Sec. 77. Bounty on bobcat, loup-cervier, and Canada lynx. 1929, c. 331, § 47. 1931, c. 142. 1933, c. 143. 1935, c. 188, §§ 1, 2. 1937, c. 205. 1941, c. 179, § 3. There shall be a bounty of \$15 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, exhibits to the warden or warden supervisor in whose district the animal was killed 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 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 warden supervisor 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 he 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 Commissioner of Inland Fisheries and Game:

I hereby certify that on the.....day of.....A. D., 19..
at.....in the state of Maine, I killed the bobcat, loupcevrier
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.

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

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

.....

Game Warden

Upon receipt by the state controller of a certificate from the commissioner showing that said commissioner has received the tail of the bobcat, loupcevrier or Canada lynx from the warden sent as aforesaid, said controller shall audit the claim for bounty and the same shall be paid forthwith by the treasurer of state to the claimant from fines and penalties recovered and money received, or collected under any provision of the inland fish or game laws or amendments thereof, or for sale of any seized or confiscated articles. After the foregoing appropriation has been exhausted, any further bounties shall be paid from the general appropriation of the department of inland fisheries and game, and if said appropriation is not exhausted any balance thereof shall revert to the general funds of the department of inland fisheries and game.

Revisor's note: Former section 78 was repealed by P. L., 1939, c. 165.

Sec. 79. Bounty on bears. 1929, c. 261. 1933, c. 257. 1935, c. 166. 1937, c. 133. 1941, c. 179, §§ 2, 3. A bounty of \$10 shall be paid for each and every bear killed in organized townships and plantations to the person killing the same by the treasurer of the organized township or plantation or by the treasurer of any adjoining township in which said bear was killed. These bounties shall be paid by the treasurers of said towns or plantations.

No bounty shall be paid unless claimant within 24 hours after he has killed such animal exhibits to the town treasurer the entire skin thereof or the entire animal for the killing of which such bounty is claimed, and sign 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 fish and game warden or warden supervisor in whose district the animal was killed stating that he believes the bear to have been killed at the time and place stated therein. The skin of all bears on which bounty is claimed must be stamped

and sealed by the warden or warden supervisor in whose district the same was killed, with implements provided by the commissioner of inland fisheries and game. The town treasurer shall then pay the bounty and take the claimant's receipt therefor upon the same paper with such certificates and the town treasurer shall make upon the same paper, at the time of his monthly report, a certificate under oath addressed to the commissioner of inland fisheries and game, that all the requirements of law have been met by the claimant and that the bounty has been paid to him.

The certificate shall be 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
bear, 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
I believe that the bear was killed at the time and place stated herein.
This day of

.....
Game Warden

CLAIMANT'S RECEIPT

On this day of, A. D., 19..., I received
of, treasurer of
..... dollars, being the bounty allowed by law for killing the
bear described in the above certificate.

..... Claimant

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 bear, which I found to have been stamped and sealed by a warden,
and then paid the said bounty, for which I have taken his receipt as above.

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

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

..... Justice of the Peace

The bounty so paid by the town treasurer shall be reimbursed by the state out of the fees for licenses for dogs upon presentation of the claim as hereinbefore set forth and any expense incurred by the department of inland fisheries and game incident to the enforcement of this section, shall also be taken from the fees for licenses for dogs, and so much of the fees received for dog licenses as may be necessary to pay said bounties and any expense incident thereto, is hereby appropriated to pay the same.

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 coupon shall be likewise cancelled 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. Fish, game and fur-bearing animals; transportation of, by aeroplane. 1929, c. 331, § 48. 1937, c. 128. 1941, c. 116. No person shall transport, attempt to transport or offer for transportation by aeroplane any fish, game, or fur-bearing animals or parts thereof, unless such fish, game, or fur-bearing animals or parts thereof shall bear a transportation tag issued by the commissioner of inland fisheries and game, stating that the same may be so transported and bearing the signature of a fish and game warden. The pilot or owner of any aeroplane, other than those of regular transport lines, shall procure from the commissioner of inland fisheries and game a permit to transport any such fish, game, fur-bearing animals or parts thereof by air. Whoever violates any provision of this section shall be punished as set forth in section 107.

Sec. 82. Transportation of game. 1929, c. 331, § 50. 1937, c. 126. No person shall transport or offer for transportation, nor shall any person or carrier accept for transportation or transport any game animal or bird except as provided in this chapter.

Any resident may transport to his home any game which he has killed and which is legally in his possession, provided he shall have been properly licensed and has met all other requirements of this chapter.

Any non-resident may transport or have transported to his home by a common carrier any game which he has killed and which is legally in his possession, provided he shall have been properly licensed and has met all other requirements of this chapter.

No person or carrier shall transport any game bird or animal in closed season except that any person who has killed said game in open season shall have a reasonable time after the beginning of the closed season in which to transport said game to his home.

All game transported or offered for transportation shall be open to view, tagged and plainly labeled with the owner's name and address and accompanied by him. Game transported for non-residents by common carrier need not be accompanied by the owner if all other requirements of this chapter are met. Any carrier accepting any game for transportation shall be satisfied that the person presenting said game for shipment is the person to whom the hunter's license offered for inspection was issued and shall securely affix any tags and such other identification and make such returns to the commissioner as may be required by this chapter. Any wild bird or animal or part thereof found in possession of any person in violation of this chapter is subject to seizure and shall be seized and become the property of the state.

The hunting license of any non-resident shall entitle him to have game which he has legally killed, transported to his home without further fee to the state.

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 the provisions of 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 Scarboro, 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. 1935, c. 184. 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 of 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 northwesterly direction to a point where the bridge to Mackworth Island touches 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. 85-A. Game preserve established; penalty. 1937, c. 123. No person shall at any time hunt, pursue, shoot or kill any wild bird or wild animal within the following described territory in the city of Westbrook, county of Cumberland, to wit: a certain piece of land situated in said Westbrook, bounded as follows: Beginning 2 rods west of a juniper tree, standing on the north side of the road leading to Saccharappa; thence westerly on said road to Henry Proctor's land; thence northerly by the same to James Roberts' land; thence by the same to David Pride's land; thence by said Pride's land to an elm tree on Nathan P. Roberts' land; thence southerly by the same to James Roberts' land; thence on a straight line to the first bounds.

Whoever violates any of the provisions of this section shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 85-B. Game preserve established; penalty. 1939, c. 68. No person shall at any time hunt, pursue, molest, trap, catch, shoot at, kill or destroy any wild bird or wild animal within the following described territory; on the property of Louis Oakes; said game sanctuary being in the central part of Big Squaw Mountain township and bounded and described as follows, to wit: Beginning at a point 50 feet west of the new state highway leading from Greenville Junction, so-called, to Rockwood, said point being about 96 rods south of Upper Squaw Brook highway bridge and marked by a cedar post painted red; thence westerly parallel with the south line of said township 1 mile, 242 rods to a cedar post painted red; thence northerly 2 miles, 103 rods to a cedar post painted red; thence easterly parallel with the south line 1 mile, 145 rods to a cedar post painted red standing 50 feet west of the new state highway mentioned above; thence southerly following the westerly boundary of the Piscataquis and Somerset game preserve to the first mentioned bound; containing 2450 acres more or less. 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. 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 school-house 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.

Sec. 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.

Revisor's note: Former section 88 was repealed by P. L., 1935, c. 55.

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. 89-A. Wells and York game preserve, established. 1935, c. 67. 1937, c. 59. No person shall, except as herein provided, at any time, hunt, pursue, shoot at, molest or kill any wild animal or any game or wild bird within the following described territory situated in the towns of Wells and York in York county; beginning at a point on highway No. 1 where the Agamenticus road meets said highway No. 1 in the town of Wells, thence southwesterly along said Agamenticus road to the logging road, so-called, in the town of York, thence westerly and northerly along said logging road to the Ogunquit-North Berwick road, thence easterly along said Ogunquit-North Berwick road to highway No. 1 in the town of Wells, thence southerly along highway No. 1 to the point of beginning in the town of Wells.

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.

The provisions of this section shall not prohibit the commissioner of inland fisheries and game from regulating the taking of fur-bearing animals and vermin thereon.

Whoever violates any of the provisions of this section shall be subject to the penalty provided for in section 107 of chapter 38 of the revised statutes.

Sec. 89-B. Old Mill Pond game preserve, established. 1937, c. 30. No person shall at any time hunt, chase, pursue, catch, shoot at, kill or destroy any migratory wild fowl in the "Old Mill Pond," so-called, located in the northern end of the town of Phippsburg, and within the following described

boundary in said town of Phippsburg, in the county of Sagadahoc: Bounded on the north by the Old Mill Pond dam, so-called; on the east by land of Fred L. Parks' heirs and land of J. H. Blaisdell; on the south by James L. Morse; on the west by land of James L. Morse, George E. Coggeshall and John G. Morse & Sons. It shall also be unlawful for any person to have in his possession at any time any migratory wild fowl, alive or dead, or part thereof, 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-C. Game preserve established in the plantation of Dallas, in the county of Franklin. 1937, c. 92. 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: on land of J. Lewis York and on land of Yorks; said game sanctuary being in the northwest corner of Dallas Plantation, and bounded as follows, to wit: west by the east line of the town of Rangeley; north by the south line of Lang Plantation; east by the west line of the public lot in Dallas Plantation; and south by land of Furbish, Goodspeed Company and land of the heirs of Henry Bliss, containing 539 acres, more or less.

This game sanctuary shall be called the York game sanctuary. Whoever violates any of the provisions of this section shall be subject to the general penalties provided in section 107.

Sec. 89-D. Bird sanctuary established in Old Orchard Beach. 1939, c. 196. No person shall, except as herein provided, at any time, hunt, pursue, shoot at, molest or kill any bird, within the following described territory situated in the town of Old Orchard Beach: beginning at a point on the easterly side of the Old Salt road where the same intersects the Boston and Maine railroad right-of-way; thence south to the athletic field, thence westerly along the northwesterly boundary of the athletic field, thence southerly along its westerly boundary, thence westerly to the edge of the salt marsh, thence southwesterly along the edge of the salt marsh to the mouth of Goose Fare brook, thence at right angles and easterly and parallel with the Atlantic ocean and 50 feet in front of all bulkheads and houses fronting on the beach to the easterly side of Tunis avenue, thence northwesterly along said avenue to the Boston and Maine railroad right-of-way, thence by said Boston and Maine right-of-way to point of beginning. Whoever violates any of the provisions of this section shall be subject to the penalty provided for in section 90.

Sec. 89-E. Oosoola Stream game preserve, established. 1931, c. 212. 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. Whoever violates any of the provisions of this section shall be subject to the penalty provided for in section 90.

Sec. 89-F. Rangeley Lake sanctuary, established. 1931, c. 74. 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.

Sec. 89-G. Readfield and Winthrop sanctuary, established. 1931, c. 128. 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. Whoever violates any of the provisions of this section shall be subject to the penalty provided for in section 90.

Sec. 89-H. Bird sanctuary established in Simpson's Pond. 1931, c. 54. 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. Whoever violates any of the provisions of this section shall be subject to the penalty provided for in section 90.

Sec. 89-I. Willow Water Game Preserve. 1941, c. 98. No person shall at any time, hunt, chase, catch, kill or destroy any wild bird or wild animal, except crows, and skunks, within the following named territory, on the following described properties, located in the town of Perry, to wit:

Beginning on the County road on the westerly line of the Reed Farm, so-called, now or formerly owned by Mrs. J. Abiah McPhail, and thence

running north 4 degrees east, following said line, 32 rods to a marked tree; thence 75 degrees west 20 rods to a stake; thence south 4 degrees east 32 rods to the County road; thence easterly by the County road to the place of beginning. The same being the building lot formerly owned by the late John W. Trott and containing 4 acres, more or less.

Also one other lot or parcel of land lying and being on the northerly side of the County road leading from the Eastport-Perry bridge to Pembroke and bounded and described as follows, to wit: Beginning at the southwest corner of land formerly of the John W. Trott estate and thence running northerly on the west line of said Trott land to the northwest corner thereof; thence easterly on the north line of said Trott land to land now or formerly of Mrs. J. Abiah McPhail, formerly of John Reddington; thence north 1 degree east along the west line of said McPhail land to land now or formerly of the Charles J. Trott estate; thence westerly on the south line of said Trott land 62 rods; thence northerly on the westerly line of said Trott land 48 rods to the Morrison lot, so-called; thence westerly on the said Morrison lot to land now or formerly of W. W. Brown; thence south $\frac{1}{2}$ degree west 200 rods to the County road; thence easterly on said County road 77 rods to the place of beginning, containing in all 107 acres, more or less, being part of lots number 29 and 30 according to the plan of the town of Perry.

Also one other lot or parcel of land known as the pasture lot formerly the Wm. H. Brown farm, bounded generally as follows, to wit: on the north by land formerly of S. Frost; on the east by land of Trott, on the south by the County road leading to Pembroke and on the west by land of M. Conley and land of others, names unknown, the above described lots being known as the Elijah Loring farm in said Perry.

Also a certain lot of land bounded on the north by land of the late John McCarty; on the east by Frost's Cove; on the south by lands formerly of Lucinda Frost and of Lewis D. Frost; and on the west by lands of the late John Morrison, William Anderson and the late John McCarty, containing 75 acres, more or less.

Also, one other lot or parcel of land bounded and described as follows, to wit: on the east by lots numbered 19 and 20; southerly by land of the late John Loring and the Russell lot, so-called; westerly by lots numbered 10 and 11; and northerly by the William Anderson lot, and land formerly owned by the late Aaron Frost.

Also, one other certain lot or parcel of land bounded and described as follows, to wit: Bounded on the north by road leading from County road, to the field on the west; on the east by the County road leading from Eastport to Calais; on the south and the west by land of Lucinda Frost, (afterwards conveyed to Jennie Frost) said lot being 10 rods on the County road and 8 rods back from the road.

Also one other certain lot or parcel of land bounded and described as follows, to wit: On the east by the County road leading from Eastport to Robbinston; on the south by land formerly owned by John A. Frost, on the west by land formerly of Sidney S. Frost and on the north by land formerly of Sidney S. Frost.

The owner of the properties included within the Willow Water Game Preserve shall enclose the same with a suitable fence and shall cause the erection of suitable signs on or near said preserve indicating that no hunting is permitted thereon. Near the center of said game preserve such owner is authorized to construct a 15 acre pond for the propagation of waterfowl, principally wood-duck, teal and blacks.

Sec. 90. Game preserves; penalty; commissioner empowered to enlarge certain territory. (1921-1941) 1939, c. 72. 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:

Androscoggin Game Preserve: 1937, c. 96. That territory bounded southerly by the Waterman road, so-called, which extends from state highway number 4 easterly to the Androscoggin river; bounded westerly by the Turner road and Upper street to Turner Center; northerly by the road leading from Turner Center to Turner Center bridge and to the town of Greene, and easterly by the east bank of the Androscoggin river to a point where a line of the Waterman road above mentioned would intersect the Greene shore of the Androscoggin river.

Augusta: 1921, c. 9. 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.

Bangor: 1923, c. 35. 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.

Bragdon Wild Life Sanctuary: 1927, c. 111. 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.

Castine: 1939, c. 69. The following described tract or territory situated in the county of Hancock, to wit: that part of the town of Castine that lies southwesterly of the so-called British Canal.

Caswell: 1941, c. 101. For a period of 2 years from July 26, 1941, the following named territory; on the property of the following named persons, to wit: Madigan and Pierce land, so-called, public school land, land of D. F. Getchell, land of Clarence Powers and land of Jerre White, bounded and described as follows: beginning at the southwest corner of lot number 113, the same being the land of Jerre White, northerly along the Connor town line to the Hamlin town line, thence easterly along said Hamlin town line to the northwest corner of lot number 11, thence southerly along the west line of lots numbers 11, 14, 17, 20, 23, 35, 37, 39, 41, 43, 63, 65, 67, 69, 81, 83, 95, 97, 109, 111, 123, 125, 137 to the southwest corner of lot number 139, thence westerly along the south line of lots numbered 136, 135, to the southwest corner of lot number 134, thence northerly along the west line of lot number 134 to the northwest corner of said lot, thence westerly along the north line of lots numbered 133, 132, to the northwest corner of lot number 131, thence northerly to the northwest corner of lot number 117, thence westerly to the northwest corner of lot number 116, thence northerly to the northwest corner of lot number 102, thence westerly along the north line of lot number 101 to the northwest corner of lot number 100, thence southerly along the west line of said lot to the southwest corner of lot number 114, thence westerly to the southwest corner of lot number 113, the place of beginning; containing 12,000 acres more or less. And also another area adjacent thereto, bounded on the north by the south line of Cyr Plantation, east by the west line of Caswell Plantation, south by the north lines of lots numbered 28, 26, 24, 22, 21, 19, 31, 48, 46 and 45; west by the "check line" or dividing line of the town. The provisions of this paragraph shall not prohibit the commissioner of inland fisheries and game from regulating the taking of fur-bearing animals within the Caswell preserve.

Drake's Island Game Preserve: 1931, c. 225, § 25. 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: 1931, c. 225, § 25. On Dry Pond or from the shores of said pond, which pond is situated in the town of Gray, in the county of Cumberland.

Fairfield: 1921, c. 22. 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.

Ganeston Park: 1923, c. 118. 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 northwest corner of said Gannett's land.

Gero Island: 1931, c. 186. 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.

Gray Game Preserve: 1931, c. 227. 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.

Jefferson and Whitefield: 1931, c. 225, § 25. 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 Sterns 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.

Katahdin Wild Life Sanctuary: 1923, c. 17. 1939, c. 5. 1941, c. 26. The following described tract or territory situated in the county of Piscataquis, the same being in unorganized townships, to wit:

Townships 3, 4 and 5 in the 9th range W. E. L. S. and townships 3, 4 and 5 in the 10th range W. E. L. S. bounded as follows:

Commencing at the northeast corner of township 5 range 9 on the easterly line of the county of Piscataquis; thence southerly along the easterly line of

township 5 range 9, township 4 range 9 and township 3 range 9, the same being the easterly line of the county of Piscataquis, 18 miles more or less to the southeast corner of township 3 range 9; thence westerly along the southerly line of township 3 range 9 and township 3 range 10, 12 miles more or less to the southwest corner of township 3 range 10; thence northerly along the westerly line of township 3 range 10, township 4 range 10 and township 5 range 10, 18 miles more or less to the northwest corner of township 5 range 10; thence easterly along the northerly line of township 5 range 10 and township 5 range 9, 12 miles more or less to the northeast corner of township 5 range 9, the point of beginning, including 141,397 acres more or less.

Limington, Hollis and Waterboro: 1941, c. 52. Until July 1, 1943, the following described territory situated in the towns of Limington, Hollis and Waterboro, in York county; beginning at a point where the Little Ossipee river joins the Saco river in the town of Limington, thence westerly and southerly along said Little Ossipee river to the highway at Edgecomb's bridge, so-called, in Waterboro, thence southerly and easterly along said highway to North Hollis in the town of Hollis, thence easterly and northerly along the road next west of Killick brook to the road leading from Nason Mills to Bonney Eagle, thence northeasterly along said Bonney Eagle road to the town line between Limington and Hollis, thence northerly along said town line to the Saco river, thence northerly along said Saco river to the point of beginning. The provisions of this paragraph shall not prohibit the commissioner of inland fisheries and game from regulating the taking of fur-bearing animals thereon. 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 paragraph.

Mapleton and Chapman: 1929, c. 114. 1941, c. 10, § 2. 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 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.

Maranacook Game Preserve: 1937, c. 23. The following named territory; on the property of the following named persons, to wit: Harvey's Island, so-called, Morgan's Island, so-called, and the water included between these islands and west shore of said lake; land of James E. Harvey and Helen M. Scribner, land of Star Allyn Harvey, land of William H. Morgan, land of J. Warren Butman (known as the John P. Craig lot), land of Amy E. Smith, land of W. G. Smith, known as the Smith-Jordan Farm, land of E. W. Manter, land of Etna (May) Manter, land known as Raymond lot, and bounded and described as follows, to wit: beginning at the southeast corner of William H. Morgan's land on shore of Lake Maranacook thence westerly in the south line of said Morgan's line to the Winthrop-Readfield corner road, so-called, thence northerly along said road to the southeast corner of J. Warren Butman's John P. Craig lot of land, thence westerly in south line of said Butman lot and south line of Amy E. Clark line to the Middle Winthrop-Readfield road, so-called; thence northerly along said Middle Winthrop-Readfield road to the north line of the Smith-Jordan land of W. G. Smith, thence easterly in the north lines of the Smith-Jordan land, the north line of the James E. Harvey-Helen M. Scribner land and north line of Star Allyn Harvey land to the west shore of Lake Maranacook, thence southerly and easterly along shore of said Lake Maranacook to the point of beginning, containing 550 acres, more or less.

Moosehead Lake Game Preserve: 1929, c. 88. 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.

Mount Bigelow Game Preserve: 1927, c. 91. 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.

Narragansett Game Sanctuary: 1927, c. 2. 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 Scarboro road, so-called, in said town of Gorham; on the south by the Strout-water 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.

Natanis Game Preserve: 1931, c. 101. 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.

Old Town Game Preserve: 1931, c. 225, § 25. 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.

Orrington Game Preserve: 1939, c. 13. The following described territory beginning at a point on the state aid road No. 4, in Orrington, at the East Bucksport turn, extending in a southerly and southeasterly direction to the county line; on the road leading to Thurston pond, to the Hancock county line; thence southwesterly along said county line to the land of

Harry Byard; north along said line to the land of E. F. Bowden; west on said line to the land of Frank Betts; northerly on line of E. F. Bowden to land of Fred Bowden; west on Fred Bowden's line to land of J. Betts; northerly on line of Fred Bowden and J. Betts to line of H. Byard; westerly on Byard's line and line of Mary Gray to land of P. W. Gray; northerly on Gray's line to land of J. Bowden Heirs; northerly across said land to the line of E. F. Bowden and J. W. Bowden Heirs; easterly on J. W. Bowden Heirs' line to the first mentioned bound; provided further that the commissioner of inland fisheries and game may add adjacent property to said game preserve upon application of said adjacent property owners.

Piscataquis and Somerset Game Preserve: 1933, c. 134. 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.

Pittston Farm: 1931, c. 225, § 25. 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: 1931, cc. 77, 225, § 25. The following described 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 Cup-suptic 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.

Salmon Pond: 1927, c. 170; 1931, c. 123. That territory lying within 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.

Standish: 1929, c. 222. 1933, c. 126. 1937, c. 74. 1939, c. 73. 1941, c. 262. The following described territory in the town of Standish in the county of Cumberland: Beginning at the point where the Maine Central railroad crosses the Pequaket trail in Steep Falls; thence southerly and easterly by said Pequaket trail, the Oak Hill road, so-called, and the so-called back road from Steep Falls to Richville to its junction with the Rich Mill road, so-called; thence by said Mill road northeasterly to its junction with the road leading from Sebago Lake to East Sebago; thence by the last named road northerly to the Maine Central railroad crossing; thence by said railroad northwesterly to the point begun at, including such portions of the Maine Central right-of-way and of the highways herein mentioned as serve to bound the tract herein described.

Swan Island: 1929, c. 77. The following described tract or territory situated in the county of Sagadahoc: the island in Kennebec river, near Richmond, known as Swan island.

Thorncrag-Stanton Bird Sanctuary: 1931, c. 225, § 25; c. 243. The following described 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.

Wells and Kennebunk: 1927, c. 31. 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.

Windham: 1929, c. 71. 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 $66\frac{3}{4}^{\circ}$ 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.

Winthrop and Wayne Game Sanctuary: 1929, c. 8. 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.

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.

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, (situated in 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.

See P. & S. L. 1941, c. 1. (Baxter State Park)

Sec. 91. Hunting or possession of firearms within limits of game preserves forbidden; exceptions. 1929, c. 331, § 23. 1931, cc. 85, 225, § 26. 1939, c. 71. 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 regulate the trapping of fur-bearing animals thereon and 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 detached from said skins, during the months of January, October, November and December. Provided, however, that deer heads so purchased may when detached from the skins, be sold to licensed taxidermists. Such licensee

shall keep a true and complete record which shall be open to inspection by the commissioner or agent, of all such heads and skins purchased, 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. 1941, c. 121. The commissioner may annually issue licenses to persons 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 at all times 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 for residents of this state and \$100 for nonresidents, 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. All persons aiding or assisting another in buying, sorting or grading the skins of fur-bearing animals shall be considered as engaged in the business of buying the skins of fur-bearing animals and must procure a license therefor.

Sec. 95. Sale of deer or parts thereof. 1929, c. 331, § 55. 1937, c. 60. No person shall at any time sell or offer for sale or barter any deer or part thereof except that the heads and hides thereof may be sold to any properly licensed taxidermist or dealer in deer skins and heads as provided in sections 92 and 93.

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. 1937, c. 131. All birds, fish, or animals, or parts thereof, hunted, bought, sold, carried, transported, or found in possession of any person, in violation of the provisions of this chapter, or any boat, car, conveyance or equipment used or possessed 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 find birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed in violation of the provisions of this chapter he may seize the same without a warrant, and keep them in some safe place for a reasonable time.

When any birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed are seized as provided in the preceding paragraph, the officer who made such seizure, shall within reasonable time file with a magistrate a libel against such birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed in violation of the provisions of this chapter (except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof), setting forth their seizure by him, describing such birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment 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, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed 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, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed 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. Copies to be served on common carriers.

In case the magistrate finds that the birds, fish, or 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, or animals, or parts thereof. If the magistrate finds the claimant, if any appear, is not entitled to said birds, fish, or 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 used or had in possession in violation of the provisions of this chapter, with his knowledge or consent, 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, or animals, or parts thereof, or any equipment used or possessed were not 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.

Revisor's note: See P. L., 1937, c. 112, as amended by P. L., 1939, c. 293, § 3.

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, or animals, or parts thereof,

or boats, cars, conveyances or equipment used or possessed in violation of the provisions of chapter 38 of the revised statutes, as revised, 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 seized certain birds, fish, or animals, or parts thereof, or certain boats, cars, conveyances or equipment used or possessed in violation of the provisions of chapter 38 of the revised statutes, as revised, 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. 1941, c. 10, § 2. The commissioner and 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 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. 1939, c. 185. 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 officers' fees taxed against a respondent, if any, under any provision of this chapter, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense

was committed. 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 warden; jurisdiction. 1929, c. 331, § 58. 1933, c. 68. 1939, c. 229. 1941, c. 10, § 2. 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 municipal court having jurisdiction thereof, or a trial justice whose usual place of holding court is nearest to where the offense is alleged to have been committed, for a warrant and trial. Any game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden.

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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.

See § 72.

(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, R. S., c. 2, § 53.

Fish and game wardens constituted state fire wardens, R. S., 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, R. S., c. 133, § 25, as amended.

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. 1937, c. 75. The possession of any firearm or fishing tackle in the fields or forests or on the waters or ice of the state by any person, except as provided in paragraph 1 of section 41 of this chapter, unless said person having such firearm or fishing tackle in possession has in his possession the required hunting or fishing license, duly issued to him and covering the period such firearm or fishing 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.

Wildlife Restoration Projects.

Sec. 110. Assenting to the provisions of the act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Wildlife-restoration Projects, and for Other Purposes." 1939, c. 281. The state of Maine hereby assents to the provisions of the act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Wildlife-restoration Projects, and for Other Purposes," approved September 2, 1937 (Public No. 415, 75th Congress), and the department of inland fisheries and game is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration projects, as defined in said act of Congress, in compliance with said act and with rules and regulations promulgated by the secretary of agriculture thereunder; and no fund accruing to the state of Maine from license fees paid by hunters shall be diverted for any other purpose than the administration of the department of inland fisheries and game.

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