

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-sixth Legislature

**1953**

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addition to any other taxes legally imposed or collected under any other provision of the law of the state now or hereafter in force.'

**Sec. 2. Effective date.** The tax imposed by this act shall be initially levied on milk received by a handler or sold by a producer-dealer on the 1st day of the month next following the effective date of this act.

**Sec. 3. Limitation.** The provisions of this act shall remain effective only until September 1, 1955.

Effective August 8, 1953

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## Chapter 394

### AN ACT to Revise the Biennial Revision of the Inland Fish and Game Laws.

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

**Sec. 1. R. S., c. 33, § 2-A, additional.** Chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto a new section to be numbered 2-A, to read as follows:

'Sec. 2-A. Boundary waters with Canada. The commissioner, with the consent of the advisory council, shall have the authority to prescribe bag limits, size limits, open or closed seasons and methods of taking game and other fish from the inland boundary waters between the state of Maine and Canada. These rules and regulations shall be those that are mutually agreed upon by the commissioner and the Canadian fishery authorities.'

**Sec. 1-A. R. S., c. 33, §§ 3-A, 3-B, 3-C, additional.** Chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto 3 new sections to be numbered 3-A, 3-B and 3-C, to read as follows:

'Sec. 3-A. Emergency powers of commissioner. When the legislature is not in session the commissioner with the consent of the advisory council, if in their opinion immediate emergency action is necessary to remedy conditions adversely affecting fish and wildlife of the state, may declare any or all of the streams, rivers, lakes and areas of the state closed to hunting or fishing, for a period of time not more than 30 days. If the time of the emergency suspension of any part of chapter 33 extends for a longer period than 30 days, the consent of the governor and council must be obtained before such declaration of emergency becomes effective.'

Sec. 3-B. Provision for advertising. Such declaration shall be published in such newspapers of the state and posted in such places as the commissioner deems necessary and a copy of such declaration shall be filed with the secretary of state. All expenses thereof shall be paid by the commissioner, after allowance by the state controller, from the funds of the department of inland fisheries and game.

Sec. 3-C. Provision for annulment. If after issuing the declaration provided for in section 3-A, the commissioner is satisfied that the emergency no longer exists, he may annul it by another declaration, affecting the sections covered by the original declaration, which declaration shall be published and posted in the same manner as provided for the issuance of the original declaration.'

Sec. 2. R. S., c. 33, § 4, repealed. Section 4 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 3. R. S., c. 33, § 5, amended. The 7th paragraph of section 5 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following paragraphs enacted in place thereof:

'Whenever the department of inland fisheries and game stock any river, brook or stream or part thereof with game fish, the commissioner may close such waters to all fishing for not more than 3 weeks for a reasonable distance above and below the stocking points by declaring an emergency. The commissioner shall then cause to be published in a newspaper in the county where the water or waters are situated, at least 5 days prior to the stocking of such water or waters, a notice that such water or waters are to be closed. If no newspaper is published in that county, then the notice shall appear in a newspaper having statewide circulation. The waters shall be closed for not more than 3 weeks from the day they are posted by the department and such posting shall be at least 5 days after the publication of the notice.

A certified copy of the notice shall be filed with the secretary of state and with the clerk of the superior court in the county in which the water is situated.'

Sec. 4. R. S., c. 33, § 7, repealed. Section 7 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 5. R. S., c. 33, § 9, amended. Section 9 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 9. Commissioner shall furnish sufficient copies of fish and game laws for the use of town clerks and agents. The commissioner is authorized to keep on hand at all times sufficient copies of abstracts 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.'

Sec. 6. R. S., c. 33, § 10, amended. Section 10 of chapter 33 of the revised statutes, as revised, is hereby amended by repealing the last paragraph thereof.

Sec. 7. R. S., c. 33, § 10-A, repealed and replaced. Section 10-A of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 10-A. Building of dams, regulated. No person shall build any dam or other obstruction in any of the rivers, streams or brooks of this state without first filing written notice with the commissioner of inland fisheries and game.'

Sec. 8. R. S., c. 33, § 11, amended. The 2nd sentence of the 6th paragraph of section 11 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'He may issue to any person, firm or corporation permit to fence in ~~or~~ ~~enclose~~ land for the above-named purpose, providing that the fence shall be of a type which will prevent fur-bearing animals from entering or leaving the fenced-in area.'

Sec. 9. R. S., c. 33, § 19, amended. Section 19 of chapter 33 of the revised statutes, as revised, is hereby amended by adding at the end thereof a new sentence to read as follows:

'The commissioner shall have authority to terminate the search by members of his department.'

Sec. 10. R. S., c. 33, § 29, repealed and replaced. Section 29 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 29. Applications for guide's licenses shall be made to the commissioner in writing; fees; revocation of license. A guide is any person who receives any form of remuneration for his services in accompanying

or assisting any hunter, fisherman or camper in the fields, forests or waters of the state.

No person shall act as a guide until he has procured a license to do so from the commissioner and he shall not be eligible to obtain a license to guide until he is 18 years of age.

Each guide shall make an annual report to the commissioner on forms furnished by the department, stating the number of people guided by him and the fish and game taken by them.

Application for a guide's license shall be made in writing to the commissioner on forms furnished by the department and shall be approved by an inland fisheries and game warden. The commissioner may, upon sufficient proof as to his competency, issue the license. No person shall be issued a guide's license unless he is physically, mentally and morally capable of guiding and caring for a party in the forests or on the waters of the state and said commissioner may, at his discretion, suspend or revoke the license of any guide for incompetency or for failure to discourage violations of the fish and game laws.

A fee of \$7.50 shall be paid annually for a resident guide's license. Non-residents may be so licensed upon payment of a fee of \$50. Persons licensed under this section may hunt and fish by virtue of their guide's license.

Whenever a guide, licensed as provided in this section, is charged with having violated any of the inland fish and game laws, the commissioner may suspend his license. Whenever a licensed guide is convicted of having violated any of the inland fish and game laws in the conduct of his guiding activities, the commissioner shall suspend his license as provided in section 64.

Any person who guides without first having procured a license to do so from the commissioner shall be subject to a fine of not less than \$25 and each day that he so guides shall constitute a separate offense.

Nothing in this section shall be construed so as to prevent a councilor at a bona fide children's summer camp, said camp being licensed by the department of health and welfare, from performing his usual duties as such councilor without obtaining a guide's license.'

Sec. 11. R. S., c. 33, § 31, amended. Section 31 of chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto 2 new paragraphs, to read as follows:

“Fly fishing” means to cast upon water and retrieve an unbaited, unweighted artificial fly attached to a line to which no extra weight has been added.

“Jigging” shall mean the use of any fishing tackle or device used in an attempt to snag or snare fish.’

Sec. 12. R. S., c. 33, § 32, amended. The first paragraph of section 32 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

‘No resident of the state over ~~18~~ 16 years of age, and no non-resident over the age of 10 years shall fish in any inland waters of the state, except in accordance with the following provisions:’

Sec. 13. R. S., c. 33, § 32, sub-§ III, amended. The 4th sentence of subsection III of section 32 of chapter 33 of the revised statutes, as revised, is amended to read as follows:

‘The amount paid on a 15-day license shall be credited on an entire season license upon the additional payment of ~~\$3.50~~ \$3.25 in the same year in which the 15-day license was issued.’

Sec. 14. R. S., c. 33, § 32, sub-§ IX, amended. Subsection IX of section 32 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

‘IX. The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of ~~18~~ 16 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the agent of his or her respective tribe stating that the person described is an Indian and a member of that tribe. For the purpose of this section, an Indian shall be a person whose mother and father were Indians. Holders of such licenses shall be subject to all of the laws, rules and regulations of this chapter.’

Sec. 15. R. S., c. 33, § 32, sub-§ XII, additional. Section 32 of chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto a new subsection to be numbered XII, to read as follows:

‘XII. Any person obtaining any license authorized in this chapter through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section 119.’



Sec. 16. R. S., c. 33, § 35, repealed and replaced. Section 35 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 35. Closed season in the several waters of the state. During the period that any waters in the state shall be closed to fishing for salmon, trout or togue, the same waters shall be closed for the same period to fishing for any other species of fish, except as provided in section 55.

All pools, beginning at a point 200 feet above and running to a point 200 feet below all state fish hatcheries and feeding stations, shall be closed to all fishing at all times.'

Sec. 17. R. S., c. 33, § 36, sub-§ III, amended. Subsection III of section 36 of chapter 33 of the revised statutes, as revised, is hereby amended by repealing the last sentence thereof.

Sec. 18. R. S., c. 33, § 37, amended. Subsection II of the 2nd paragraph of section 37 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'II. A trout less than  $\approx$  8 inches in length;'

Sec. 19. R. S., c. 33, § 37, amended. The 3rd paragraph of section 37 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'No person shall take, catch or kill more than 15 fish in any one day of the salmon, trout, togue, white perch or black bass species from the lakes, rivers, streams and brooks in the state, or have in his possession at any one time a number of fish of the foregoing species in excess of 15, or  $7\frac{1}{2}$  pounds, unless one individual fish caught shall weigh more than  $7\frac{1}{2}$  pounds, or unless the last fish caught increases the combined weight thereof to more than  $7\frac{1}{2}$  pounds when a person has taken fish of the foregoing species from the waters designated in this paragraph, or when a person has killed fish from both lake or pond fishing and river and stream fishing during the same day. No person shall have in his possession any salmon, trout, togue, white perch or black bass with the heads detached therefrom, unless such fish are being prepared for immediate cooking.'

Sec. 20. R. S., c. 33, § 37, amended. Section 37 of chapter 33 of the revised statutes, as revised, is hereby amended by adding before the last paragraph thereof a new paragraph to read as follows:

'Any trout, salmon, togue, white perch or black bass kept in any sporting camp, hotel or public lodging place must have the name and address of the person who caught them attached thereto.'

Sec. 21. R. S., c. 33, § 43, amended. The 2nd paragraph of section 43 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'It shall be prima facie evidence of a violation of this section on the part of any keeper or owner of such camp used in lumbering or construction operations to have in his possession in such camp any animal or bird, or parts thereof, described in this section.'

Sec. 22. R. S., c. 33, § 44, amended. Section 44 of chapter 33 of the revised statutes, as revised, is hereby amended by adding after the 2nd paragraph thereof a new paragraph to read as follows:

'It shall be unlawful to jig fish at any time.'

Sec. 23. R. S., c. 33, § 44, amended. The 3rd paragraph of section 44 of chapter 33 of the revised statutes, as revised, is hereby amended by adding at the end thereof a new sentence to read as follows:

'No person shall have in his possession at any time any grapnel, trawl, weir, seine, gill net, trap or set line except in accordance with the provisions of this section and section 11 and 48 in any 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.'

Sec. 24. R. S., c. 33, § 45, amended. Section 45 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 45. Ice fishing regulated. All inland waters of the state are closed to ice fishing except those which have been opened to fishing through the ice by rule and regulation of the commissioner. A person legally licensed may fish through the ice in the daytime with not more than 5 lines, set or otherwise, which shall be under the immediate supervision of such person, in any waters which have been opened to ice fishing by the commissioner.'

It shall be lawful to fish in the night time by using not more than 5 lines set or otherwise for cusk in the waters which have been opened to ice fishing by the commissioner for salmon, trout and togue. Provided that all lines set for cusk in the night time must be visited at least once in every

hour by the person setting the same. The commissioner may open other waters for fishing for cusk in the night time.

~~It shall be lawful to take smelts in the night time in Little Big Wood pond and in Long Pond in Somerset county by using not more than 5 lines in the waters which have been opened to ice fishing by the commissioner.~~

Unless otherwise specified the legal lengths and daily limits which have been established for open water fishing in each county shall apply to all waters open to ice fishing in those counties.

Except as set forth in this section, it shall be unlawful to ice fish from  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise of the following morning. Each line or trap used in ice fishing shall have attached to it the name and address of the owner of such line or trap.'

Sec. 25. R. S., c. 33, § 46, amended. Section 46 of chapter 33 of the revised statutes, as revised, is hereby amended by repealing the last paragraph thereof.

Sec. 26. R. S., c. 33, § 49, amended. The 1st paragraph of section 49 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Any person lawfully in possession of fish may transport them to his home, providing the fish ~~are open to view and~~ are possessed by the person who caught them.'

Sec. 27. R. S., c. 33, § 53, amended. The 1st sentence of section 53 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Any riparian proprietor may, within the limits of his own premises, enclose the waters of a stream not navigable, for the cultivation of useful fish; provided that he furnishes suitable passages for ~~migratory~~ fish 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.'

Sec. 28. R. S., c. 33, § 54, repealed. Section 54 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 29. R. S., c. 33, § 58, sub-§ VI, amended. Subsection VI of section 58 of the revised statutes, as revised, is hereby amended to read as follows:

'VI. "Game management" is the art or science of producing wild animals and birds ~~and fish~~, and to improve wild life conditions in the state. It will specifically include the following:

- A. Restriction of hunting;
- B. Predator control;
- C. Reservation of game lands (as parks, forests, refuges, etc.);
- D. Artificial replenishment (restocking and game farming);
- E. Environmental controls (control of food, cover, special features, and disease);
- F. Experimental research which will increase species of game in Maine.'

Sec. 30. R. S., c. 33, § 59, amended. The 2nd sentence of section 59 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'The fee for a non-resident ~~or alien~~ for a trapping license shall be \$200.'

Sec. 31. R. S., c. 33, § 61, repealed and replaced. Section 61 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 61. Use of snares; guns set on swivels, or poison, forbidden; traps to be labeled; bear traps to be enclosed in huts; partridge or grouse as bait prohibited. No person shall set a snare or a swivel, pivot or set gun, or use or deposit any poisonous or stupefying substance for the purpose of killing, taking, catching, wounding, harming or molesting any wild animal or wild birds. Any snare or swivel, pivot or set gun, or poisonous substance, and any wild animal or wild bird taken by use of the same, shall be forfeited to the state.

No person shall advertise or give notice of the sale, or keeping for sale, of any snare or swivel, pivot or set gun, or poisonous substance for the taking of wild animals or wild birds.

No person shall 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 or more than 10 yards at any point from the enclosed trap. Said enclosure shall be marked by proper sign with the words "BEAR TRAP" in letters not less than 3 inches in height on said enclosure.

It shall be unlawful for any person, other than a law enforcement officer in the line of duty, to disturb or take any fur-bearing animal from any trap other than his own without the consent of the owner of such trap.'

Sec. 32. R. S., c. 33, § 62, repealed and replaced. Section 62 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 62. Poisons shall not be used for purposes of killing animals. It shall be unlawful to use poison to kill foxes, dogs or other animals, except insects or vermin within a building. Any person who leaves or deposits in any place any poison or poisonous substance or kills by poisoning any fox, dog or other animal, except insects or vermin within a building, shall be subject to the penalties of section 119 provided that the commissioner may, however, grant permits to agents of the federal fish and wildlife service and to fruit growers to use poison in the destruction of rodents.'

Sec. 33. R. S., c. 33, § 63, amended. The 1st paragraph of section 63 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'No ~~person~~ resident over 16 years of age and no non-resident over 12 years of age shall hunt or have in ~~his~~ possession ~~any wild bird or animal~~ birds or parts thereof or wild animals or parts thereof except in accordance with the following provisions:

I. Any resident and members of his immediate family may hunt without a license on land to which ~~he or she is~~ they are legally entitled to possession, and on which ~~he or she is~~ they are actually domiciled and which land is used exclusively for agricultural purposes.

II. No resident shall hunt or have in his possession any wild bird or parts thereof or wild animal or parts thereof 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 or parts thereof and animals or parts thereof, and which shall be exhibited to any warden, employee of this department, or guide, upon request.'

Sec. 34. R. S., c. 33, § 63, sub-§ III, amended. The 1st paragraph of subsection III of section 63 of the revised statutes, as revised, is hereby amended to read as follows:

'No non-resident ~~or alien~~ shall hunt or have in his possession any wild bird or parts thereof, wild animal, or parts thereof, 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 or parts thereof and animals or parts thereof, and which shall be exhibited upon request to any warden, employee of this department, or guide.'

Sec. 35. R. S., c. 33, § 63, sub-§ VI, amended. Subsection VI of section 63 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'VI. Any non-resident between the ages of 12 and ~~16~~ 15 years may buy a junior non-resident hunting license entitling him to hunt wild birds and animals during the open season therefor, except deer, upon payment of \$5.25, providing the application is accompanied by the written consent of his or her parent or guardian, and provided further that such non-resident must be accompanied by his parent or guardian or any adult approved by his parent or guardian while hunting.

Any resident between the ages of ~~12~~ 10 and ~~18~~ 16 years may hunt with firearms without a license if accompanied at all times by a parent or guardian or any adult approved by his parent or guardian while in the fields or forests or on the waters or ice of the state. ~~Any resident between the ages of 12 and 18 years may procure a license to hunt with firearms by filing with the clerk issuing the license the written consent of his parent or guardian.'~~

No person under the age of 10 may hunt wild birds or animals with firearms at any time.'

Sec. 36. R. S., c. 33, § 63, sub-§ VII, amended. Subsection VII of section 63 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'VII. Any person obtaining a license through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section

119. It shall be unlawful for a town clerk to wilfully issue a resident hunting license to a person not a resident of the municipality in which the license is issued.'

Sec. 37. R. S., c. 33, § 64, amended. The 1st, 5th, 6th and 7th paragraphs of section 64 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'The commissioner ~~shall~~ may revoke the license, for 1 year from the date of conviction, issued to a person to carry on the particular activity in which he was engaged at the time of the violation of sections ~~73~~ 61, 62, 65, 66, 67, ~~68, 69~~ 71, ~~80~~ 81, 82, 83, 85 and 89 ~~105 and 106.~~'

'If at the time of committing a violation of any of the provisions of this chapter, the offender 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 ~~shall~~ may not issue any license to said person until 1 year has elapsed from the date of final determination of any complaint or legal proceedings instituted as a result of the violation.'

'A conviction of a 2nd violation of any of the provisions of this chapter or a violation of any of the rules and regulations of the commissioner ~~shall~~ may require the commissioner to revoke the license or licenses of such offender for a period of 2 years from the date of the final conviction of the alleged violation.'

'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 ~~together with the license or licenses of the offender.~~'

Sec. 38. R. S., c. 33, § 66, amended. Section 66 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 66. Sunday closed to hunting of birds and animals. It shall be unlawful to hunt on Sunday, and possession of firearms in the fields and forests or on the waters or ice of this state on Sunday shall be prima facie evidence of such hunting unless such firearm is carried, securely wrapped in a complete cover, fastened in a case or carried in at least 2 separate pieces in such a manner that it cannot be fired unless the separate pieces are joined together again. For the purpose of this section a clip, magazine or cylinder of a firearm shall not be considered a piece of such firearm.'

Sec. 39. R. S., c. 33, § 68, amended. Section 68 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

Sec. 68. **Hunting from automobiles prohibited.** It shall be unlawful for any person to hunt any wild bird or wild animal at any time from ~~an automobile~~ any motor vehicle or trailer, or by aid or use of any light or lights carried thereon, therein 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 excepting a law enforcement officer while in the line of duty or persons licensed as provided by section 18 of chapter 124 shall have a loaded rifle or loaded shotgun or a gun with a cartridge in the magazine thereof or a loaded revolver or a loaded pistol with a barrel length of over 4 inches in or on any motor vehicle.~~ It shall be unlawful for any person excepting a law enforcement officer while in the line of duty, or persons licensed as provided in section 18 of chapter 124 to have in or on a motor vehicle or trailer any firearm with a cartridge or shell in the chamber, magazine, clip or cylinder; provided further that no person except a law enforcement officer in the line of duty may have in or on any motor vehicle or trailer any loaded pistol or revolver with a barrel length of over 4 inches. The word "firearm" shall include all instruments used in the propulsion of shot, shell or bullets by the action of gun powder exploded within it. For the purpose of this section, a motor boat shall not be considered a motor vehicle.'

Sec. 40. R. S., c. 33, § 69, amended. Section 69 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 69. **Hunting from railways prohibited.** 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 capable of moving along rails under its own power, or capable of being 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 loaded rifle or loaded shotgun, or a gun with a cartridge in the magazine thereof, in or on a hand car, flat car or any other car or vehicle capable of moving along rails under its own power or capable of being drawn along rails by an engine.'

Sec. 41. R. S., c. 33, § 70, amended. Section 70 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 70. **Vehicles required to stop upon signal.** It shall be unlawful for the operator of any motor vehicle to immediately 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.

Whoever violates any provision of this section shall be punished by a fine of not less than \$100, nor more than \$400, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.'

Sec. 42. R. S., c. 33, § 71, amended. Section 71 of chapter 33 of the revised statutes, as revised, is hereby amended by repealing the last paragraph thereof.

Sec. 43. R. S., c. 33, § 72, amended. Section 72 of chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto a new paragraph to read as follows:

'All persons engaged in hunting game on any of the woodlands within any town or unincorporated place in this state shall use noncombustible wads in the loading of firearms used by them.'

Sec. 44. R. S., c. 33, § 75, amended. The 3rd paragraph of section 75 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 45. R. S., c. 33, §§ 76 and 76-A, renumbered. Sections 76 and 76-A of chapter 33 of the revised statutes, as revised, are hereby renumbered to be sections 98-B and 98-C, respectively.

Sec. 46. R. S., c. 33, § 77, amended. Section 77 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 77. Nets, traps, snares and guns larger than 10-gauge shall not be used. No person shall hunt with a net, trap, cross-bow, snare or contrivance other than the usual method of shooting with a firearm not larger than number 10-gauge or by shooting with a long bow and arrow, any bird or animal of any ~~variety~~ species protected by law. Any prohibited implements or devices used in violation of the provisions of this section shall be forfeited to the state. The user of such prohibited implement or device shall be subject to the penalties of section 119.'

Sec. 47. R. S., c. 33, § 79, amended. Section 79 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 79. Other than game birds protected; "game birds" and "migratory game birds" defined. 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 eggs of any wild bird, nor have such nest or eggs in possession. The English or European house sparrow, the common crow, the hawks, owls, ~~and~~ kingfishers, and cormorants or shag are not included among the birds therein protected; and for the purpose of this chapter the partridge, grouse and pheasant, only, shall be considered game birds, 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 75.'

Sec. 48. R. S., c. 33, § 80, amended. The 4th and 5th paragraphs of section 80 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'No ~~duck~~ decoys shall be allowed to remain in waters of Merrymeeting Bay from 1 hour after legal shooting time until 1 hour before legal shooting time.

All regulations ~~regarding seasons, live decoys, bag limits and shooting hours~~ shall conform to the regulations issued by the United States Fish and Wildlife Service.'

Sec. 49. R. S., c. 33, § 81, repealed and replaced. Section 81 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 81. Hunting of moose and caribou prohibited. No person shall hunt, kill or have in his possession any caribou or moose, or parts thereof; provided that no person who has legally killed a caribou or moose beyond the limits of this state shall have in his possession or import such caribou or moose or parts thereof into this state, unless he has obtained a permit from the commissioner to import such caribou, moose or parts thereof for the purpose of consumption or for mounting, but not for sale. Such permit authorizing the importation of caribou, moose or parts thereof shall set forth the inclusive dates when such possession shall be legal.

Possession of caribou, moose or parts thereof without a permit as set out in this section, or after such permit has expired, shall be prima facie evidence of a violation of this section.'

Sec. 50. R. S., c. 33, § 82, amended. The 3rd paragraph of section 82 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'There shall be a continual closed season on deer on the island of Mount Desert, and in the town of Deer Isle, and in the town of Stonington, and all of Swan Island in the town of Swan's Island, which last mentioned towns are in the county of Hancock, and on Cross Island and Scotch Island, which last mentioned places are in Washington county, and on the Isle au Haut, which last mentioned island is in the county of Knox, ~~and on Swan Island, which last mentioned place is in the county of Sagadahoe~~ and in game sanctuaries which have been established by law where the closed season shall be perpetual.'

Sec. 51. R. S., c. 33, § 82, amended. Section 82 of chapter 33 of the revised statutes, as revised, is hereby amended by adding after the 3rd paragraph a new paragraph to read as follows:

'It shall be unlawful for any person to hunt deer after he has killed one during the open season of that calendar year.'

Sec. 52. R. S., c. 33, § 83, amended. Section 83 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 83. **Horning or driving deer prohibited.** It shall be unlawful to drive deer by 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 the open season of that calendar year.~~

Sec. 53. R. S., c. 33, § 85, amended. The 2nd paragraph of section 85 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 54. R. S., c. 33, § 86, amended. The 2nd, 4th and 6th paragraphs of section 86 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'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 owner of ~~sheep~~ domestic animals or enclosed poultry, or any member of his family, or any person to whom is entrusted the custody of any ~~sheep~~ domestic animals or enclosed poultry, shall have a right to kill any dog killing or attacking any of said ~~sheep~~ domestic animals or enclosed poultry.'

'Any person may lawfully kill a dog which ~~suddenly~~ assaults him or another person.'

Sec. 55. R. S., c. 33, § 88, amended. The 1st 3 paragraphs of section 88 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'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 one or more daily newspapers of the state. Said agent shall register each and every deer legally 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 open 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, except as otherwise provided in this chapter. Provided, however, that any person who has lawfully killed a deer may employ an agent to transport said deer, open to view and being 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 open game inspection station on the route taken by the agent. 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 which he has killed, at his home, or at any place of storage, except a game inspection station as hereinbefore provided, more than 12 hours unless said deer has been legally registered.'

Sec. 56. R. S., c. 33, § 89, repealed and replaced. Section 89 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 89. Sale of deer or parts thereof. No person shall at any time buy, 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 for the purpose of preserving and mounting as provided in section 104 and to any dealer as provided in section 105. Whoever aids in buying, selling or offering for sale or barter any deer or part thereof or counsels or otherwise aids in procuring the same shall be punished in the manner prescribed for the punishment of the principal offender. Provided, however, that any agent of the commissioner may buy or sell deer or parts thereof for use as evidence in prosecution of a violation of this chapter.'

Sec. 57. R. S., c. 33, § 91, amended. Section 91 of the revised statutes, as revised, is hereby amended, to read as follows:

'Sec. 91. Transportation of deer by non-residents. Each non-resident 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 following words shall be printed on the back of section "B": "This Deer Was Shot in the State of Maine." The first 8 words to be printed in 10 point Gothic medium type and the word Maine to be printed in 8½ point Gothic caps type.

THIS DEER WAS SHOT  
IN THE STATE OF  
MAINE

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 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 at-

tached 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. and registered in his name, and to which the deer coupon portion of his license is securely attached. There shall be printed upon the back of this coupon the following words: THIS DEER WAS SHOT IN THE STATE OF MAINE. The first 8 words shall be printed in 18-point caps and the word "MAINE" in 96-point Gothic type.'

Sec. 58. R. S., c. 33, § 92, repealed. Section 92 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 59. R. S., c. 33, § 92-A, repealed. Section 92-A of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 60. R. S., c. 33, § 93, amended. The 1st and 4th paragraphs of section 93 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'No person shall transport or offer for transportation, nor shall any person or carrier accept for transportation or transport, any game animal or bird, or parts thereof, except as provided in this chapter.'

'No person or carrier shall transport any game bird or animal, or parts thereof, 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.'

Sec. 61. R. S., c. 33, § 95, amended. The 1st, 3rd and 7th paragraphs of section 95 of chapter 33 of the revised statutes, as revised, are hereby amended to read as follows:

'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, Oxford 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.'

'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 or long bow and arrow; provided, however, that it shall be lawful at any time for the commissioner 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.'

'It shall be unlawful for any person to buy, sell or offer for sale any wild hares or wild rabbits.'

Sec. 62. R. S., c. 33, § 97, sub-§ I, amended. The 8th, 9th and 10th paragraphs of subsection I of section 97 of chapter 33 of the revised statutes, as revised, are hereby repealed.

Sec. 63. R. S., c. 33, § 97, sub §-I, amended. The 11th paragraph of subsection I of section 97 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'The open season on all other wild or fur-bearing animals, excepting bobcats, loupcevier, Canada lynx and beaver, shall be from November 1 of each calendar year to the following February 15th in the next following year ~~excepting in the county of York where the open season on foxes shall be from November 1 in each calendar year to the following March 1st in the next calendar year.~~

Sec. 64. R. S., c. 33, § 97, sub-§ VII, repealed. Subsection VII of section 97 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 65. R. S., c. 33, § 97-A, amended. Section 97-A of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 97-A. Game laws on raccoons may be suspended. The commissioner is empowered to suspend the game laws in respect to raccoons in such restricted localities and for such periods of time as he finds it advisable to relieve excessive damage being done by them to sweet corn or other crops, provided further that the commissioner is empowered to suspend section 86 for the purpose only of allowing dogs to be used in hunting and killing raccoons, providing the dogs are under the personal supervision of the owner or trainer at all times, for such periods of time as the commissioner finds it advisable.'

Sec. 66. R. S., c. 33, § 99, repealed. Section 99 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 67. R. S., c. 33, § 100, amended. The 2nd paragraph of section 100 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'The commissioner may declare an open season for trapping beaver from January 1 to February 7 28, inclusive, of each year, in any territory in which he finds the following:

- I. That beaver are polluting the water supplies;
- II. That they are doing actual substantial damage to property or likely to cause damage to property;
- III. When the beaver in a certain locality are detrimental to fishing, hunting or lumbering operations.'

**Sec. 68. R. S., c. 33, § 100, sub-§ III, amended.** The 4th paragraph of subsection III of section 100 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'During such open season, beaver may be trapped without the consent of the land owner, except that the owner of any land in organized towns on which the commissioner has declared an open season on beaver in accordance with the provisions of this section may, by conspicuously posting the area occupied by said beaver, against trapping and notifying the commissioner of his action, trap said beaver to the exclusion of all other persons, for the first 2 weeks of such open season, after which, the commissioner declares the area open to the trapping of beaver by all properly licensed persons. This right is not transferable. Provided that in any instance wherein any person, after posting the area occupied by said beaver against trapping and notifying the commissioner as set forth herein, fails to trap said beaver within 5 days, the commissioner may declare said area open to the trapping of beaver by all properly licensed persons.'

**Sec. 69. R. S., c. 33, § 100, sub-§ III, amended.** The 6th paragraph of subsection III of section 100 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'All beaver skins must be presented to the warden supervisor in whose division they were caught or a warden of that division authorized by the chief warden to tag and mark beaver and if said supervisor or warden 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. There shall be not less than 3 wardens, in addition to the supervisor, designated in any warden division for the purpose of stamping beaver skins. A fee of \$2 shall be paid by the trapper for each skin tagged and marked.'



Sec. 70. R. S., c. 33, § 101, repealed and replaced. Section 101 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 101. Digging out foxes, regulated. It shall be lawful to dig out foxes at any time and to hunt foxes at any time, except Sunday and in the night-time, in organized territory of this state. It shall be lawful to trap foxes or to cause to have foxes trapped at any time on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.'

Sec. 71. R. S., c. 33, § 102, amended. Section 102 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 102. Bounty on bobcat, loupcevrier and Canada lynx. There shall be a bounty of \$15 for every bobcat, loupcevrier 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 10 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 the person claiming the bounty shall thereupon cut off the whole of the tail from the skin and forward the same 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

.....

(P. O. Address of Claimant)

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

.....  
Notary Public      Justice of the Peace

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

This.....day of.....19.....

.....  
Game Warden

DEPARTMENT OF INLAND FISHERIES AND GAME

Augusta, Maine.....19....

I hereby certify that I have received from.....,  
~~Game Warden~~ **Claimant**, the tail of the bobcat, loup-cervier, or Canada lynx  
described in the foregoing certificate.

.....  
For Inland Fish and Game Commissioner

Note—Claim for bounty must be made within 10 days after the killing of  
the animal.

Upon receipt by the state controller of a certificate from the commissioner  
showing that said commissioner has received the tail of the bobcat, loup-  
cervier or Canada lynx from the ~~warden~~ **claimant** sent as aforesaid, said  
controller shall audit the claim for bounty and the same shall be paid forth-  
with by the treasurer of state to the claimant from fines and penalties  
recovered and money received, or collected under any provision of the in-  
land fish and game laws or amendments thereof, or for sale of any seized  
or confiscated articles. After the foregoing appropriation has been ex-  
hausted, 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 fund of the  
department of inland fisheries and game.'

**Sec. 72. R. S., c. 33, § 103, amended.** The 3rd sentence of the 2nd para-  
graph of section 103 of chapter 33 of the revised statutes, as revised, is  
hereby amended to read as follows:

'The skin of all bears on which bounty is claimed must be marked and sealed by the warden or warden supervisor in whose district the same was killed, with implements provided by the commissioner, and such warden or warden supervisor shall slit the right ear of the bear lengthwise.'

Sec. 73. R. S., c. 33, § 104, amended. The last sentence of section 104 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'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 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. 74. R. S., c. 33, § 106, amended. The 1st sentence of section 106 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'The commissioner may annually issue licenses to ~~persons~~ citizens of the United States to engage in the business of buying the skins of any fur-bearing animals.'

Sec. 75. R. S., c. 33, § 110, amended. The 3rd sentence of section 110 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'All fees, fines and penalties recovered and money received or collected shall be paid to the treasurer of state and 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, ~~information and education on conservation~~ 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.'

Sec. 76. R. S., c. 33, § 111, repealed and replaced. Section 111 of chapter 33 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

'Sec. 111. Officers may arrest without process; jurisdiction; impersonating game wardens. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of said laws, and shall,

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with reasonable diligence, cause him to be taken before a municipal court in the county in which the offense is alleged to have been committed, for a warrant and trial; or if a municipal court in an adjoining county is the nearest court to the place of arrest, jurisdiction is given to such municipal court to hear and try such case.

Provided, however, that if there is a trial justice whose usual place of holding court is in the county in which the offense is alleged to have been committed, such violator may be taken before such trial justice for warrant and trial. Any game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden.'

Effective August 8, 1953

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## Chapter 395

### AN ACT Relating to Burial Expenses Under Workmen's Compensation Act.

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

Sec. 1. R. S., c. 26, § 16, amended. Section 16 of chapter 26 of the revised statutes is hereby amended to read as follows:

'Sec. 16. Burial expenses. If the employee dies as a result of the injury, the employer shall pay, in addition to any compensation and medical benefits provided for in this act, the reasonable expenses of burial, not to exceed ~~\$250~~ \$350.'

Sec. 2. Effective date. This act shall become effective on November 30, 1953.

Effective November 30, 1953

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## Chapter 396

### AN ACT Relating to the Administration of the Liquor Law.

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

Sec. 1. R. S., c. 57, § 4, amended. Section 4 of chapter 57 of the revised statutes is hereby amended to read as follows: