

MAINE STATE LEGISLATURE

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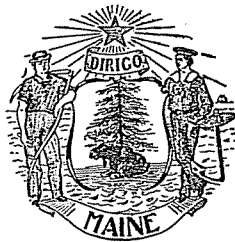
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 32.

INLAND FISHERIES AND GAME.

REGULATION OF INLAND FISHING.

SEC. 1. There shall be an annual close time for landlocked salmon, trout, togue and white perch, as follows: for landlocked salmon, trout and togue, from the first day of October until the ice is out of the pond, lake or river fished, in the following spring of each year, except on the Saint Croix river and its tributaries, and on all the waters of Kennebec county, in which the close time shall be from the fifteenth day of September until the ice is out of the ponds and lakes the following spring, and in Franklin county in which the close time shall be from October first to May first, and except Sebago lake, in Cumberland county, on which the close time shall be from October first to April first, and except Wilson pond in Wilton, in Franklin county, on which the close time shall be from October first until the ice is out of said lake the following spring; but for white perch, the close time shall be from the first day of April to the first day of July; no person shall take, catch, kill or fish for, in any manner, any landlocked salmon, trout, togue or white perch in any of the waters of this state or have the same in possession, in close time; *provided, however*, that any person lawfully trolling for trout, landlocked salmon or togue, in good faith, who shall accidentally hook or catch a white perch may lawfully keep the same; and *provided*, that during February, March and April, citizens of the state may fish for and take landlocked salmon, trout and togue, with not more than five set lines for each family, when fishing through the ice in the day time, and when under the immediate personal superintendence of the person fishing, and may convey them to their own homes for consumption therein, but not otherwise; but no citizen of the state during this time shall be permitted to catch more than twenty pounds, or one fish, of landlocked salmon or trout, or more than forty pounds, or one fish, of togue in any one day. Whoever violates any provision of this section shall be subject to a penalty of not less than ten, nor more than thirty dollars for each offense, and one dollar additional for every fish caught, taken or killed in violation of any provision of this section.

SEC. 2. Whoever fishes for, takes, catches, kills or destroys any fish with fish spawn or grapnel, spear, trawl, weir, seine, trap or set lines, except when fishing through the ice, and then with not more than five set lines in the daytime, or with any device, or in any other way than by the ordinary mode of angling with single baited hooks and lines, artificial flies, artificial minnows, artificial insects, spoon hooks and spinners, so called, shall be fined not less than ten, nor more than thirty dollars for each offense; and when such prohibited implements or devices are found in use or possession, they are forfeit and contraband, and any person finding them in use, may destroy them. Any person may, however, take minnows and other bait fish, commonly used for live bait, for his own use in fishing, in any of the closed streams in this state, and may take smelts for consumption in his own family.

Note. For provisions affecting particular localities, see act consolidating and revising certain special laws as to hunting and fishing, and prohibiting the obstruction of streams with mill waste; special laws of 1903, c. 407.

For provisions as to hunting on Petit Menan Point, in the town of Steuben, see special laws of 1875, c. 65, as amended by special laws of 1903, c. 311.

Close time for landlocked salmon, trout and togue. 1899, c. 42.

—exceptions. —St. Croix river. —Kennebec county.

—Franklin county. Special laws. 1901, c. 326, § 3. —Sebago lake. 1903, c. 225, § 1.

—close time for white perch. 75 Me., 290. 84 Me., 444. 87 Me., 498.

—regulation of ice fishing. 1901, c. 146.

—penalty for violation of this section.

Taking of fish with fish spawn, grapnel, spear, trawl, weir, seine, trap or set lines prohibited. 1899, c. 42.

—minnows and smelts.

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Transporting or taking fish limited to 25 pounds at one time, or in one day. 1899, c. 42. —penalty, 90 Me., 55.

—fish transported in violation of this section shall be forfeited.

—having in possession, deemed a violation.

Use of dynamite prohibited. 1899, c. 42. 1901, c. 284, § 69.

Unlawful to introduce fish, or wild birds or animals, except upon permission of commissioners.

Unlawful to have in possession any jack-light, spear, trawl or net. 1901, c. 222, § 4. 80 Me., 349.

—penalty.

Commissioners may grant permits to take eels, suckers, cusk and whitefish in closed waters. 1901, c. 222, § 6. —lawful to take suckers from going out of the ice till June 1.

Close time for game birds. 1901, c. 258. 1903, c. 229.

—duck.

—partridge, woodcock, plover, snipe and sandpipers.

SEC. 3. No person shall transport more than twenty-five pounds of landlocked salmon, trout, togue or white perch, in all, at any one time; nor shall any such be transported except in the possession of the owner thereof, plainly labeled thereon with the owner's name and residence, except as is provided in section twenty-eight of this chapter; nor shall any corporation transport more than twenty-five pounds in all, of said fish, at one time, as the property of any one person; nor shall any person take, catch, kill or have in possession in any one day more than twenty-five pounds in all, of the above named fish, except as provided in section one as to fishing for togue through the ice. Whoever violates any provision of this section, shall be punished by a fine of fifty dollars for each offense and one dollar for every pound of fish so taken or being transported, in excess of twenty-five pounds; and all such fish being so transported or taken in violation of this section may be seized and shall be forfeited to the state. Whoever has in his possession more than twenty-five pounds in all, of said fish, shall be deemed to have taken them in violation of this section; *provided, however,* that the taking of one fish additional having less than twenty-five pounds, or less than twenty pounds of any fish except togue, or less than forty pounds of togue when fishing through the ice, shall not be regarded as a violation of the law.

SEC. 4. No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or taking fish, under a penalty of one hundred dollars and, in addition thereto, two months' imprisonment in the county jail for each offense.

SEC. 5. Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, or whoever introduces wild birds or wild animals of any kind or species, into the state except upon written permission of the commissioners of inland fisheries and game, shall forfeit not less than fifty, nor more than five hundred dollars.

Possession of any jack-light, spear, trawl or net, other than a dip net, in any camp, lodge or place of resort for hunters or fishermen, in the inland territory of the state, shall be prima facie evidence that the same is kept for unlawful use; and they may be seized by any officer authorized to enforce the inland fish and game laws. Whoever is convicted of having any of the above named implements in his possession unlawfully as aforesaid, shall be fined fifty dollars and costs of prosecution.

SEC. 6. In closed waters where eels, suckers, cusk and whitefish abound, the commissioners may grant permits to take the same and dispose of them for food purposes; and where an exclusive right is granted to take eels in any river or stream or part thereof, they may grant such permit upon such terms as they deem reasonable, and such permits shall expire with the calendar year; and suckers may be taken with spears or hook and line in any closed tributaries from the time the ice goes out in the spring until June first.

GAME BIRDS.

SEC. 7. There shall be for game birds an annual close time in which no person shall hunt, chase, catch, kill or have them in possession whenever or however killed, as follows: For wood duck, dusky duck, commonly called black duck, teal and gray duck the close time shall be from the first day of December to the first day of the following September of each year; for ruffed grouse, commonly called partridge, and woodcock, from the first day of December to the fifteenth day of September next following of each year; for plover, snipe and sandpipers, from the first day of May to

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the first day of August of each year; and no person shall hunt, chase, catch, kill or have in possession at any time any quail. Whoever violates any of the above named provisions of this section shall be subject to a penalty of not less than five, nor more than ten dollars and costs for each bird so killed, caught, chased or had in possession in close time.

No person shall, in any one day, kill or have in possession more than fifteen of each variety of the above named birds, except sandpipers, the number of which shall not exceed seventy in any one day, during the respective open season for each; nor shall any person at any time kill or have in possession any ruffed grouse, commonly called partridge, woodcock, wood duck, dusky duck, commonly called black duck, teal or gray duck, except for his own consumption within the state, except as herein-after provided, under a penalty of five dollars and costs for each bird so unlawfully killed or had in possession; nor shall any person at any time sell or offer for sale, any ruffed grouse, commonly called partridge, woodcock, wood duck, dusky duck, commonly called black duck, teal or gray duck within the state under the same penalty; nor shall any person or corporation carry or transport from place to place any of the birds mentioned in this section, in close time, nor in open season unless open to view, tagged and plainly labeled with the owner's name and residence and accompanied by him, unless tagged in accordance with section twenty-eight of this chapter, under the same penalty.

Any person, not the actual owner of such bird or birds, who, to aid another in transportation, falsely represents himself to be the owner thereof, shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of the birds above mentioned as the property of one person, under the same penalty; and for a term of ten years from April twenty-eight, nineteen hundred and three, no person shall hunt for, take, catch, kill or destroy the capercaillie, or cock of the woods, so called, black game, so called, or any species of the pheasant, except ruffed grouse, or partridge, under a penalty of fifty dollars for each offense.

SEC. 8. No person shall, within the state, kill, catch or have in possession, living or dead, any wild bird, other than a game bird, nor purchase, offer or expose for sale any such wild bird after it has been killed or caught. 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 and owls are not included among the birds herein protected; and for the purposes of this chapter, the following only shall be considered game birds: the anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots, mud-hens and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. Nothing in this section, however, shall be construed to affect in any way the protection of game birds, as provided in sections seven and nine. Any person who violates any of the preceding provisions of this section shall be fined five dollars for each offense, and an additional five dollars for each bird, living or dead, or part of bird, or nest or eggs possessed in violation of this section, or imprisoned for ten days. No person shall kill or have in

—quail.

—penalty.

—not more than 15 birds may be killed in one day. 90 Me., 223.

—penalty.

—transportation of game birds.

—capercailzie, black game, pheasant.

Killing, etc., of any wild bird other than a game bird or having in possession the plumage, prohibited.

—taking of nests and eggs prohibited.

—exceptions.

—term "game birds" defined. 1901, c. 142.

—penalty.

—penalty for killing tern. 1899, c. 116.

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Trapping or netting of wild ducks, quail, partridge, woodcock, etc., prohibited. 1899, c. 42.

—killing of duck on Kennebec river, regulated.

—hunting with jack-lights, prohibited.

his possession, except alive, any bird commonly known as tern, under a penalty of not less than one, nor more than ten dollars.

SEC. 9. Whoever, at any time or in any place, with any trap, net, snare or contrivance, other than the usual method of sporting with firearms, takes wild duck of any variety, quail, ruffed grouse or partridge, woodcock, or any bird which is in any wise protected by this chapter, forfeits five dollars for each bird so taken. Whoever kills any wild duck of any variety, on the Kennebec river, or on the shores thereof, south of the Gardiner and Randolph bridge, or on Merrymeeting bay, or the shores thereof, between sunset and the day light of morning, forfeits twenty-five dollars for each offense; and whoever hunts, kills or destroys, any wild duck, with the aid of jack-lights, so called, or any artificial light, at any time, forfeits fifty dollars for each offense; the possession of firearms in the night time in the vicinity of the duck grounds in Merrymeeting bay or on the Kennebec river, south of the Gardiner and Randolph bridge, shall be prima facie evidence that the person having such firearms in his possession is hunting ducks contrary to law.

TAXIDERMISTS.

Commissioners may issue licenses to taxidermists. 1901, c. 222, § 7.

—may license persons to take birds, eggs and nests for scientific purposes.

—fee.

—such birds, etc., shall not be offered for sale.

—penalty.

—taking of birds, etc., on Sunday, prohibited.

—taxidermists may have in possession fish and game in open season.

—transportation under license by commissioners.

—license may be revoked.

—term of license.

—persons licensed shall make written report. See § 55.

SEC. 10. The commissioners of inland fisheries and game may, upon application, issue a license to such persons as taxidermists, who, in their judgment, are skilled in that art, of good reputation, and friendly to the fish and game laws of the state; and they may issue licenses to suitable persons, whose numbers shall not exceed fifteen at one time, to take, kill, capture and have in possession any species of birds other than domestic and the nests and eggs thereof for scientific purposes; and for such license the applicant shall pay five dollars; but no person thus allowed to take or have in possession birds for scientific purposes shall sell, offer for sale or take any compensation for specimens of birds, nests or eggs, or dispose of the same, by gift or otherwise, to be taken from the state, except for exchange of specimens for scientific purposes; and for any violation of the provisions of this section, such person shall be subject to a fine of not less than ten, nor more than fifty dollars. This section, however, shall not authorize the killing of any birds nor the taking of any nests or eggs thereof on Sunday; and the commissioners may, for cause, revoke any license authorized by this section. Taxidermists mentioned in this section may at all times have in their possession, at their places of business, fish and game lawfully caught or killed in open time for the sole purpose of preparing for, 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, restrictions and limitations as shall, from time to time, be made by said commissioners and stated in such original license and additions made thereto, from time to time, by said commissioners. Such licenses may be revoked by said commissioners, at any time after notice and an opportunity for a hearing; such licenses shall be for the term of three years, and each person so licensed shall, on or before December first of each year, make a detailed, written report to the commissioners of all they have done during the year by virtue of such license; and every licensee or carrier violating any of the provisions of this chapter, or of the rules, restrictions or limitations set out in said license and additions thereto, shall be fined not less than twenty, nor more than fifty dollars.

MINK, SABLE, MUSKRAT AND FISHER.

SEC. 11. Whoever, between the first day of May and the fifteenth day of October, destroys any mink, sable, muskrat or fisher, forfeits ten dollars for each animal so destroyed; however, it shall be lawful to kill muskrats in Lily pond in the towns of Rockport and Camden, and also such muskrats as interfere at any time with the operation and maintenance of any canal, ditch, lawful dam or cranberry bog. Whoever at any time kills or destroys any beaver, except upon written permission of the commissioners of inland fisheries and game, shall be fined one hundred dollars and costs for each offense, and twenty-five dollars additional for each beaver killed or destroyed.

Close time
for mink,
sable, musk-
rat and
fisher.
1899, c. 42.

—Lily pond
excepted.

—penalty for
killing beaver
at any time.

WILD HARES.

SEC. 12. There shall be a close time on wild hares or rabbits in which no person shall hunt, catch or pursue them, or have them in possession, during the months of April, May, June, July and August of each year, under a penalty of ten dollars and costs for each offense.

Close time
on rabbits.
1903, c. 213, § 1.

SEC. 13. No person shall use any snares, traps or other device in the hunting, pursuing or killing of common wild hares or rabbits, or hunt or kill the same except in the ordinary method of shooting with guns in the usual manner. This section shall not apply to Hancock county.

Manner
of hunting
rabbits
prescribed.
1903, c. 213, §§ 2, 3.

BOUNTY ON WOLVES. (a)

SEC. 14. A bounty of five dollars for every wolf killed in any town shall be paid by the treasurer thereof to the person killing it, upon compliance with the following conditions: No bounty shall be paid unless the claimant, within ten days after he has killed such animal, or has returned from the hunting in which he killed it, exhibits to the town treasurer the entire skin thereof, with the ears and nose thereon, in as perfect a state as when killed, except natural decay, and signs and makes oath to a certificate, which oath said treasurer may administer, in which he shall state that he killed such animal, and the time and place which shall be within the state; and the treasurer shall thereupon cut off the whole of the ears and nose from such skin, and entirely destroy them by burning; then he shall pay the bounty and take the claimant's receipt therefor upon the same paper with such certificate. The town treasurer shall immediately make upon the same paper a certificate under oath addressed to the treasurer of state, that he first cut off the ears and nose from the skin of such animal and destroyed them by burning, and then paid said bounty to the claimant. Said certificates and receipts shall annually in December be transmitted to the treasurer of state, and by him laid before the governor and council as early as convenient; and when allowed by them shall be paid by the treasurer of state to such towns. The certificate shall be in the following form:

Bounty on
wolves.
1899, c. 42, § 16.
1901, c. 207.

—how paid.

CLAIMANT'S CERTIFICATE.

To the treasurer of I hereby certify that on the day of A. D. 19.., at, in the State of Maine, I killed the wolf the skin of which I now exhibit to you; and I claim the bounty allowed by law for killing the same.

Form of
certificate.

(a) Bounty on bears killed in Oxford county, P. L. 1903, c. 233.

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Dated at, this day of A. D. 19..
 Claimant.
 Subscribed and sworn to before me the day and year aforesaid.
Treasurer of

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 wolf described in the above certificate.
 Claimant.

TREASURER'S CERTIFICATE.

Treasurer's
certificate.

I hereby certify that, as required by law, I first cut off the whole of the
 ears and nose from the skin of the wolf described in the foregoing certifi-
 cate and destroyed the same by burning, and then paid to said
 the bounty for which I have taken his receipt as above.

Dated at.....this.....day of.....A. D. 19..
Treasurer of.....
 Subscribed and sworn to before me the day and year aforesaid.
Justice of the Peace.

BOUNTY ON PORCUPINES.

Bounty on
porcupines.
1903, c. 239.—proofs of
killing re-
quired.—duty of
town
treasurer.—bounties,
when and
how audited
and paid.

SEC. 15. A bounty of twenty-five cents for each and every porcupine,
 so called, killed in any town or unincorporated place in the state shall be
 paid by the treasurer of such town to the person killing it. If the animal
 is killed in an unincorporated place the bounty shall be paid by the treas-
 urer of an adjoining town, if any, otherwise by the treasurer of the near-
 est town. No bounty shall be paid unless the claimant within ten days
 after he has killed such animal or has returned from the hunting, in which
 he killed it, exhibits to the town treasurer the entire nose and feet thereof,
 in as perfect a state as when killed, except natural decay, and signs and
 makes oath to a certificate, in which he shall state that he killed such
 animal, and the time and place, showing it to be within the state; the
 treasurer shall thereupon entirely destroy said nose and feet by burning;
 then he shall pay the bounty and take the claimant's receipt therefor upon
 the same paper with such certificate. The town treasurer shall immedi-
 ately make upon the same paper a certificate, under oath, addressed to
 the treasurer of state, that he first destroyed said nose and feet by burn-
 ing, and then paid said bounty to the claimant. Said certificates and
 receipts shall annually, in December, be transmitted to the treasurer of
 state, and by him laid before the governor and council as early as con-
 venient; and when allowed by them shall be paid by the treasurer of state
 to such towns. The certificate shall be in the following form:

CLAIMANT'S CERTIFICATE.

Form of
certificate.

To the treasurer of I hereby certify that on the
 day of A. D. 19., at, in the State of Maine, I
 killed the porcupine the nose and feet 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

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 porcupine described in the above certificate.
 Claimant.

TREASURER'S CERTIFICATE.

I hereby certify that as required by law, I first destroyed by burning
 the nose and feet of the porcupine described in the foregoing certificate,
 and then paid to said the bounty for which I have taken his
 receipt as above.

Treasurer's
 certificate.

Dated at, this day of A. D. 19..
 Treasurer of
 Subscribed and sworn to before me the day and year aforesaid.
 Justice of the Peace.

MOOSE, DEER AND CARIBOU.

SEC. 16. No person shall at any time hunt, catch, kill, destroy or have
 in possession any cow or calf moose; and the term "calf moose" as herein
 used, shall be construed to mean that these animals are calves until they
 are at least one year old, and have at least two prongs or tines to their
 horns. No person shall, between the first day of December and the
 fifteenth day of October, hunt, take, catch or kill, or have in possession
 any bull moose or part thereof; and no person shall, between October
 fifteenth and December first, take, catch, kill or have in possession more
 than one bull moose or part thereof.

Close time
 for moose.

—term "calf
 moose" how
 construed.
 1901, c. 222, § 1.
 82 Me., 179.
 89 Me., 209.

SEC. 17. No person shall, except as hereinafter provided, hunt, take,
 catch, kill or have in possession for any purpose, whenever or wherever
 taken, caught or killed, any deer, or part thereof, between December
 fifteenth and October first next following; no person shall between Octo-
 ber first and December fifteenth next following, except as hereinafter
 provided, take, catch, kill or have in possession for any purpose, whenever
 or wherever taken, caught or killed, more than two deer or parts thereof;
 a person lawfully killing a deer in open season shall have a reasonable
 time in which to transport the same to his home, and may have the same
 in possession at his home in close season.

Close time for
 deer.
 1901, c. 222, § 2.
 83 Me., 236.
 87 Me., 208.
 88 Me., 355.

—two only
 may be taken
 in open sea-
 son.

SEC. 18. No person shall, at any time, hunt, catch, take, kill or destroy,
 with dogs, jack-lights, artificial lights, snares or traps, any moose, deer
 or caribou; and no person shall, within six years from October fifteenth,
 in the year eighteen hundred and ninety-nine, hunt, chase, catch, kill or
 have in possession any caribou or parts thereof.

Hunting with
 dogs, jack-
 lights, etc.,
 prohibited.
 1899, c. 42.
 —close time
 on caribou
 for six years.

SEC. 19. Whoever violates any provision of section sixteen of this
 chapter, shall be punished by a fine of not less than five hundred, nor
 more than one thousand dollars or by imprisonment not exceeding four
 months; whoever violates any provision of section seventeen of this chap-
 ter, shall be punished by a fine of forty dollars and costs for each deer

Penalty for
 violation of
 section
 sixteen.
 1901, c. 222, § 8.

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—for violation of section seventeen.

—for violation of section eighteen.

Non-residents shall not camp on wild lands in certain months unless in charge of a guide.
1901, c. 278.
1903, c. 225, § 4.

—penalty for violation of this section.

Terms "close season" and "close time."
1901, c. 222, § 3.

—penalty for keeping a dog for hunting purposes.
1903, c. 225, § 3.
See c. 4, § 59.

—Sunday is close time for hunting.

taken, caught, killed or had in possession in violation of the provisions of section seventeen of said chapter; whoever violates any provision of section eighteen of this chapter relating to deer, shall be punished by a fine of forty dollars and costs; and whoever violates any provision of section eighteen of this chapter, relating to moose or caribou, shall be punished by a fine of not less than five hundred, nor more than one thousand dollars, or by imprisonment not exceeding four months.

SEC. 20. Non-residents of the state shall not enter upon the wild lands of the state with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, and no registered guide shall, at the same time guide, or be employed by, more than five non-residents in hunting. Any such non-resident who shall take, catch or kill any deer or moose, or enter upon the wild lands in the state, with intent to camp and kindle fires thereon, while engaged in hunting or fishing without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, in violation of the provisions herein contained, or any guide who shall guide at the same time, or be employed by, at the same time, more than five non-residents in hunting, shall be fined forty dollars and costs for each offense and be subject to imprisonment for thirty days.

SEC. 21. The words "close season" and "close time," where used in this chapter, shall mean the time or period during which by this chapter it is made unlawful to hunt, shoot, wound, trap or destroy any bird or animal, or fish for or catch any fish mentioned or referred to in this chapter, and the words "open season," where used in this chapter, shall mean the time or period during which it shall be lawful to take these animals, fish and birds as specified and limited.

Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou or deer, or who permits any dog owned by him or in his possession to hunt or chase moose, caribou or deer, after notice that such dog has chased moose, caribou or deer, shall be punished by a fine of one hundred dollars and costs of prosecution for each offense.

Sunday is a close time, on which it is not lawful to hunt, kill or destroy game or birds of any kind, under the penalties imposed therefor during other close time; but the penalties already imposed for the violation of the Sunday laws by the statutes of this state are not hereby repealed or diminished.

LICENSES FOR NON-RESIDENT HUNTERS. (a)

Non-resident hunter's license.
1903, c. 99, § 1.

—licenses, how issued.

—fee.

—license money shall be paid to treasurer of state.

SEC. 22. Persons not bona fide residents of the state, and actually domiciled therein, shall not hunt, pursue, take or kill any bull moose or deer at any time without having first procured a license therefor as herein-after provided. Such licenses shall be issued by the commissioners of inland fisheries and game, upon application in writing and the payment of fifteen dollars, and under such rules and regulations to be established by them, and approved by the governor and council, as may be required to carry out the true intent of this section and the two following sections, and not inconsistent therewith. All money received for such licenses shall be forthwith paid to the treasurer of state, and may be expended by the commissioners in the protection of moose and deer, under the direc-

(a) As to licenses for hunting shore birds by non-residents, in the counties of Knox, Lincoln, Waldo and Sagadahoc, and in certain towns in Cumberland county, see P. L. 1903, c. 236.

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tion of the governor and council; *provided, however*, that the commissioners of inland fisheries and game may adjust and pay, from funds received for such licenses, for actual damage done to growing crops by deer; *provided, further*, that the governor and council may allow the commissioners of inland fisheries and game, from the funds received for licenses and fines, such compensation as they may deem just and fair for the additional work required of them in carrying out the provisions of this section and the two following sections; *provided, also*, that the executive council shall, as often as they see fit, examine the books, accounts and vouchers of the commissioners of all moneys received by them for all licenses or other fees and make a report thereon to the governor.

—payment
for crops.

—compensation.

—proviso.

SEC. 23. Each license shall be provided with three coupons, one of which shall permit the transportation of the carcass of one bull moose, or part thereof, and shall be divided into two sections, lettered "A" and "B" respectively, and shall be called the "moose" coupon; the two other coupons shall permit the transportation of the carcass of one deer, or part thereof, each, and shall be divided into two sections each, lettered "C" and "D" and "E" and "F" respectively, and shall be called the "deer" coupons. The holder of a non-resident hunter's 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 one bull moose, or part of the carcass of one bull moose that he himself has lawfully killed, on the "moose" coupon attached to such license; also the carcass of one deer, or part of the carcass of one deer, that he himself has lawfully killed, on each of the "deer" coupons attached to his said license, by presenting to the agent of any transportation company, his license, with the coupons attached to the license at the time when he shall offer the moose or deer for shipment. The agent receiving the carcass or part of a carcass, for shipment shall, if it is a moose, detach section "A" from the "moose" coupon of the license, cancel the same by writing or stamping thereon the date and place of shipment and his initials, and shall forward the same forthwith to the commissioners of inland fisheries and game, at Augusta, Maine; section "B" of said coupon shall be likewise canceled and shall be attached to the carcass, or part of the carcass, of the bull moose offered for shipment and shall remain attached to the same while it is being transported in this state. In case of deer received for shipment, the license must be presented to the agent with the coupons attached as aforesaid, and, if but one deer is offered for shipment, the agent shall detach section "C" from the first "deer" coupon and shall cancel it and forward the same to the commissioners of inland fisheries and game as aforesaid, and section "D" of said coupon shall be likewise canceled and attached to the carcass of the deer, or part thereof, offered for shipment and shall remain attached to the same while it is being transported in this state. In case two deer are offered for shipment the agent receiving the same for shipment shall detach sections "C" and "E" from the "deer" coupons and after canceling the same shall forward them to the commissioners as aforesaid, and sections "D" and "F" shall be likewise canceled and attached to the carcasses of the deer, or parts thereof, offered for transportation and shall remain attached to the same while it is being transported in this state. No person shall transport any bull moose or deer, or parts thereof, within the state for any non-resident, otherwise than as provided herein. Any agent, servant or employee of any transportation company, railroad company, express company, boat or common carrier who shall receive for

Coupons.
1903, c. 99, § 2.

—moose
coupon.

—deer
coupons.

—transporta-
tion of game
by licensed
hunters.

—moose
shipment.

—deer
shipment.

—penalties
for illegal
shipment.

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shipment or transport, or have in his possession with intent to ship or transport, any carcass of a bull moose, or part of the same, or any carcass of a deer or part of the same, for a non-resident, except as herein provided, or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to forward to the commissioners of inland fisheries and game, at Augusta, Maine, as herein provided, the sections of coupons by him detached, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars and costs for each offense.

Penalties for violation.
1903, c. 99, § 3.

—for fraud.

—for guiding hunter without license.

SEC. 24. Whoever violates any provision of the two preceding sections or who furnishes to another person, or permits another person to have or use any license or coupon issued to him, or changes or alters the same in any manner, or who has or uses any license or coupon issued to another person, or any registered guide who knowingly guides any non-resident in hunting who has not a license to hunt as herein provided, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars and costs for each offense.

TRANSPORTATION OF GAME, BIRDS AND FISH.

Penalty for transporting moose and deer unless tagged and open to view and accompanied by owner.

—penalty for falsely claiming to be owner.
1899, c. 42.

—when bull moose is transported, evidence of sex shall be on same.

—penalty.

All birds, fish and game, transported, etc., in violation, liable to seizure.

—shall be forfeited to state.
1899, c. 42.

—game may be returned to owner by giving bond.

SEC. 25. No person or corporation shall carry or transport from place to place any moose or deer, or part thereof, in close time, nor in open time unless open to view, tagged and plainly labeled with the name and residence of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs for each moose or deer so transported or carried; and any person not the actual owner of such game or parts thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game being transported or carried in violation of this section was illegally killed; but nothing herein shall apply to the transportation of moose or deer by any person or corporation, when such game is lawfully tagged in accordance with the provisions of section twenty-eight of this chapter. Whoever lawfully kills a bull moose shall, while the same or any part thereof, is being transported, preserve and transport it with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit to the state the moose or part thereof being transported, and pay a fine of three hundred dollars and costs.

SEC. 26. All birds, fish and game hunted, caught, killed, destroyed, bought, carried, transported or found in possession of any person or corporation, in violation of the provisions of this chapter, shall be liable to seizure; and in case of conviction for such violation, such game shall be forfeited to the state to be sold for consumption in the state only. Any person whose game or fish has been seized for violation of any game or fish law shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the state, in double the amount of the fine for such violation, on condition that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and take the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized.

SEC. 27. No resident of the state shall sell or give away any moose or deer or part thereof, or any game birds, to be transported or carried beyond the limits of the state, under a penalty of one hundred dollars for

Moose, deer and birds shall not be sold or given

each moose, deer or part thereof, and one dollar for every game bird so sold or given away; and any person who shall buy any of the above named animals or birds or parts thereof, to so transport them, or who shall transport them after buying the same or receiving the same as a gift, shall be subject to the same penalty.

SEC. 28. Any person who has lawfully killed a moose or a deer, or who has lawfully in his possession one trout, one togue, one landlocked salmon or one white perch, or ten pounds of either kind of these fish, or one pair of game birds, may send the same to his home or to any hospital in the state, without accompanying the same, by purchasing of the duly constituted agent therefor a tag, paying for a moose five dollars, for a deer two dollars, for a trout, togue or landlocked salmon one dollar for each or one dollar for each ten pounds of the same, and fifty cents for one white perch or ten pounds of the same, and fifty cents for a pair of game birds. The commissioners of inland fisheries and game may appoint agents in convenient localities who may sell these tags under such rules and regulations as the commissioners may adopt. Said tag shall be substantially as follows:

State of Maine.

Department of Inland Fisheries and Game.

License to ship game, game birds or fish.

No.....

Augusta,19..

This certifies that.....of.....is authorized to ship to his home in.....or to....., a patient in the.....hospital, the following described game, game birds or fish,.....by having this tag attached thereto.

Not transferable.

Signature of licensee,

.....

..... Commissioners.

.....

SEC. 29. Any marketman or provision dealer, having an established place of business in the state, may purchase and have in his possession at his said place of business not more than three deer, lawfully killed or destroyed, or any part thereof, at one time, and may sell the same at retail to his local customers, *provided, however*, that said marketman or provision dealer, shall have procured a license of the commissioners of inland fisheries and game to carry on said business of buying and selling deer as aforesaid; and *provided further*, that said marketman shall record in a book kept for that purpose, and open to the inspection of inland fish and game wardens and the commissioners of inland fisheries and game, the name and residence of each person of whom he purchases any inland game and the date of such purchase; and if any marketman or provision dealer shall violate the provisions of this section, he shall be fined five hundred dollars for each offense and be prohibited for five years thereafter from the benefits of this section. All marketmen or provision dealers licensed as aforesaid shall pay to the commissioners, in cities and towns of over three thousand inhabitants, five dollars annually, and three dollars in all other places; or instead of this fee, the commissioners may, at their discretion, issue licenses authorizing the retailing of deer as above specified, on payment of fifty cents for each deer retailed; said marketmen

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away to be transported beyond limits of state. 1899, c. 42. —penalty.

Fish and game may be transported, without being accompanied by owner, upon payment of license fee. 1899, c. 42.

—fees.

—agents may be appointed to sell tags.

—form of tag.

Marketman may have in possession three deer and sell the same after procuring license of commissioners. —shall keep record of the name and residence of each person of whom he purchases game. 1901, c. 222, § 5. —penalty.

—fee for license.

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—shall make report to commissioners.

—penalty.

License may be issued to buy and tan deer skins. 1899, c. 42.

—record shall be kept.

—fee for license.
—penalty for not reporting.

Keepers of sporting camps and hunters required to procure license. 1901, c. 186.

—fee.

—report.

—consent of land owners a prerequisite to obtaining license.

—may purchase deer lawfully killed.

—penalty for violation.

and provision dealers holding these licenses shall, on December fifteenth of each year, make, sign and send to the commissioners, under oath, a statement setting forth in detail the number of deer by them bought, and of whom bought, and the date of each purchase, during the time covered by their licenses; and whoever fails to make the report required in this section shall be subject to a penalty of one hundred dollars and costs.

SEC. 30. The commissioners may annually issue licenses to suitable persons to buy and sell or tan deer skins lawfully taken. Such persons shall keep a record of all deer skins purchased, of whom purchased and the date of purchase, and shall report annually to the commissioners. The fee for such license shall be five dollars, to be paid to the commissioners and by them to the treasurer of state; and whoever, licensed as aforesaid, unreasonably and wilfully refuses to make such report, shall be punished by a fine of one hundred dollars and costs.

SEC. 31. No person shall build, occupy, maintain or keep a sporting camp, lodge or place of resort for inland hunting or fishing parties in any place, or engage in the business of hunting or trapping any of the fur bearing animals of the state in any of the unorganized townships or wild lands of the state without first procuring a license therefor from the commissioners of inland fisheries and game, and paying a fee therefor of five dollars; and he shall make such report to the commissioners as may be called for; but a license to build, occupy, maintain or keep such sporting camp, lodge or place of resort 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 camp, lodge or place of resort is or may be located; and such licensed persons may purchase for consumption in their sporting camps, lodges or places of resort deer lawfully killed, but they shall keep a record of all such purchases, of whom purchased and the date of the purchase, and on December fifteenth of each year shall make, under oath, written report thereof to the commissioners; whoever violates any provision of this section shall be fined one hundred dollars and costs for each offense; the commissioners, however, may refuse to issue a license or licenses to such person or persons as they deem unsuitable.

REGISTRATION OF GUIDES.

Guides required to register with commissioners. 1899, c. 42. 94 Me., 108.

—certificate.

—shall furnish information as requested, to commissioners.

—penalty.

SEC. 32. No person shall engage in the business of guiding, either for inland fishing or forest hunting, until he has caused his name, age and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and has procured a certificate from said commissioners, setting forth in substance that he is deemed suitable to act as a guide, either for inland fishing or forest hunting, or both, as the case may be, under a penalty of fifty dollars and costs for each offense. Each registered guide shall, from time to time, as often as requested by the commissioners, forward, on blanks furnished him by the commissioners, a statement of the number of persons he has guided in inland fishing and forest hunting during the time called for in said statement, the number of days he has been employed as a guide, and such other useful information relative to inland fish and game, forest fires and the preservation of the forests in the localities where he has guided, as the commissioners may deem of importance to the state, under a penalty of fifty dollars for unreasonably or wilfully refusing to comply with these requirements.

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Form of registration.
1899, c. 42.

SEC. 33. Such registration as is provided for in this chapter shall be as follows; the applicant shall apply in writing or personally to the commissioners for registration, or to some person designated by the commissioners, setting forth in his application whether he desires to be registered as a general or local guide; and the commissioners shall, as soon thereafter as may be, register such person as a guide in such class as they shall deem proper, after such investigation as they shall deem proper; but said commissioners may refuse to register any applicant whom they deem unfit to be a guide, and may, for cause shown, after due notice and hearing, cancel any registration made by them, and may advance any one from the local class to the general class, whenever they shall deem such person qualified to be a general guide. Whenever a guide registered as provided in this chapter is convicted of any violation of any of the inland fish and game laws, the commissioners may, at their discretion, cancel his certificate of registration and strike his name from the list of registered guides; but such person may thereafter be registered again at the discretion of the commissioners. Any certificate canceled by virtue of this chapter shall be immediately returned to the commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement. A fee of one dollar shall be paid annually for the registration as herein provided. No person shall receive a certificate as a general guide unless he is at least twenty years of age, of good repute and friendly to the inland fish and game laws, and will discountenance in all proper ways all violations thereof. He shall be thoroughly competent to traverse the hunting grounds in which he is licensed to guide and shall be skilled in the use, management and handling of such boats or canoes, on lake, pond or river, as are used in the territory in which he is authorized to guide; and he shall be a safe person under all circumstances to be a guide for inland fishing and forest hunting parties. A person may receive a certificate as a local guide who does not, in the judgment of the commissioners, possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted in the territory in which they are permitted to guide. Every non-resident registered as a guide shall pay a fee of twenty dollars; the commissioners may, at their discretion, refuse to issue any certificates of registration after October twentieth of each year, and every certificate issued shall expire with the calendar year. An official badge for guides may be prepared by the commissioners.

—class may be general or local.

—unfit persons may be refused.

—certificate may be canceled.

—guides may be advanced.

—penalty of guides who violate the law.

—canceled certificate shall be returned to commissioners under penalty.

—annual fee.

—qualifications of general guides.

—qualifications of local guides.

—non-resident guides shall pay a fee of \$20.

—badge.

COMMISSIONERS OF INLAND FISHERIES AND GAME.

SEC. 34. The governor, with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the state and shall hold the office so long as he shall continue to be land agent; the other two commissioners shall hold their offices for three years, and until their successors are appointed and qualified. Said commissioners shall be provided with an office in the state capitol, with suitable furniture, stationery and other facilities for the transaction of the business of the department, and they may appoint a clerk.

Commissioners of inland fisheries and game, how appointed.

—tenure.
1899, c. 42.
95 Me., 535.

—office.

—clerk.

SEC. 35. The commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fishways, and the location, form and capacity thereof; and shall introduce and disseminate valuable species of food

Duties.
1899, c. 42.

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—may purchase or lease land for hatcheries. Resolves 1901, c. 142.

—report.

Authorized to regulate times and places of taking game and fish. 1899, c. 42.

—cannot authorize taking of, in close time.

—may prohibit untimely taking of game and fish.

—may make rules for protection of game and fish.

—how notice of rules shall be given.

Penalty for taking fish in violation of rules. 1899, c. 42.

Penalty for hunting in violation of rules. 1899, c. 42.

Penalty for wilfully defacing notices. 1899, c. 42.

fish into the inland waters of the state, and valuable food birds into the state. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They may purchase or lease real estate, in the name of the state, for the purpose of maintaining fish hatcheries and feeding stations for fish culture, and may assist in maintaining fish hatcheries for fish culture owned and under the management of fish and game associations. They shall, on or before the thirty-first day of December of each year, report to the governor who shall cause three thousand copies of said report to be printed.

SEC. 36. The commissioners of inland fisheries and game, upon petition of five or more citizens of the state, or whenever they shall deem it for the best interests of the state, after due notice and public hearing in the locality to be affected, may regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which its capture is prohibited by the laws of the state, and in all cases where the prayer of the petitioners is refused, one-half of the expenses of the commissioners shall be paid by the petitioners. Whenever they deem it for the best interests of the state, after like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish, in any part of the state, for a series of years not exceeding four. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the state, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the state, in conformity with the provisions of the last two preceding sections. They shall file, in the offices of the clerks of the towns in the territory to be affected, a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county, and post on the banks of waters to be affected, as nearly as may be, like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county, and published three weeks successively in a newspaper printed in the county; they shall, immediately upon the adoption of any rules and regulations contemplated by this section, file an attested copy of the same in the office of the secretary of state.

SEC. 37. Whoever fishes for, takes, catches, kills or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal taking, catching, killing or destroying of any such inland fish.

SEC. 38. Whoever, at any time or in any manner, hunts, chases, catches, kills, takes, has in possession or destroys any inland game, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal hunting, chasing, catching, killing, taking, having in possession or destroying of any such inland game.

SEC. 39. Whoever wilfully mutilates, defaces or destroys any notice, rule or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this chapter, shall be

punished by a fine not exceeding fifty dollars, to be recovered by complaint or indictment; and one-half of said fine shall be paid to the prosecutor.

SEC. 40. The commissioners of inland fisheries and game, for their department, and the commissioner of sea and shore fisheries, for his department, may take fish and game of any kind when, where, and in such manner, as they choose, for the purposes of science and of cultivation and dissemination, and may grant written permits to other persons to take fish and game for the same purposes, and may introduce or permit to be introduced any kind of fish into any waters. Said commissioners or said commissioner may, after a hearing, set apart, for a term not exceeding ten years, any waters for the use of themselves, or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In the waters so set apart, they and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish culture and scientific work, take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other person shall take or kill any fish, or use any implement for fishing therein, under a penalty of not less than ten, nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; *provided, however*, that before such hearing said commissioners or said commissioner shall give notice thereof by publication of their or his intention for two successive weeks in at least one newspaper printed in the county where such waters lie. The commissioners of inland fisheries and game may grant permission to take moose, caribou, deer and birds for park purposes in the state, under such rules, regulations and conditions as they shall establish. They may, under such rules and regulations as they may establish, permit the taking of eels and whitefish in the inland waters of the state. They may cause the destruction of all mink found in or around any fish hatchery or feeding station in the state. They may, upon petition of ten or more tax-payers, residents in the locality, adopt such needful rules and regulations, not contrary to the general laws of the state, as may be necessary to prevent the interference with, or the destruction of the spawning beds, feeding troughs or artificial ponds of landlocked salmon or trout, or other useful fish. The penalty for the wilful violation of any of such rules and regulations shall be fifty dollars for each offense. The commissioners may, at their discretion, screen the outlet of any pond or lake or authorize the same to be done under such conditions as may seem to them just. Whoever shall take up, destroy or injure any screen erected at the outlet of any lake or pond by authority of the commissioners, shall be punished by a fine not exceeding fifty dollars for each offense.

Commissioners may take fish and game for scientific purposes, and may grant permits to others.

—may set apart waters for cultivation of fish.
1899, c. 42.
1901, c. 284, § 8.

—fish may be taken for scientific purposes.

—penalty for fishing in such waters.

—may grant permits to take game and birds for park purposes.

—may permit taking of eels and whitefish.

—cause destruction of mink.

—may adopt rules to prevent destruction of spawning beds.

—penalty for violation.

—may screen outlet of pond or lake.

—penalty for destroying any screen.
1901, c. 289, § 1.

CONSTRUCTION OF FISHWAYS.

SEC. 41. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives or landlocked salmon shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of inland fisheries and game

Fishways to be provided.
1899, c. 42.

—notice and hearing.

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—fishways to be kept in repair.

—appeal to county commissioners in case of disagreement.

—costs, how paid.

—if fishway is not completed in specified time, owner shall be fined.

—may prescribe time when fishways shall be kept open.

—penalty.

Fishways to be kept in repair.
1893, c. 42.

—liability of owners of dams for cost of erecting ways.

—notice to owners residing out of the state.

by written notice to some owner or occupant specifying the location, form and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; *provided, however*, that in case of disagreement between said commissioners and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located, within twenty days after notice of the determination from the commissioners of inland fisheries and game by giving to the latter named commissioners notice in writing of such appeal within that time, stating therein the reasons therefor; and at the request of the appellant or the commissioners of inland fisheries and game, the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the commissioners of inland fisheries and game are affirmed, the appellants shall be liable for the costs arising after the appeal, otherwise they shall be paid by the county. If a fishway thus required is not completed to the satisfaction of the commissioners of inland fisheries and game within the time specified, every owner or occupant shall forfeit not more than one hundred, nor less than twenty dollars for every day of such neglect between the first days of May and November. On the completion of a fishway to the satisfaction of the commissioners of inland fisheries and game, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such writing shall be served on the owner or occupant of the dam. The commissioners of inland fisheries and game may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith, is not less than twenty, nor more than one hundred dollars for every day of such neglect.

SEC. 42. Whenever the commissioners of inland fisheries and game find a fishway out of repair or needing alterations, they may, as in case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the preceding section, without appeal. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the state, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioners of inland fisheries and game or of any fish wardens who shall give to such owner or occupant and all persons interested therein, such notice as the court or any justice thereof in vacation orders,

and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioners of inland fisheries and game may delegate to any fish warden or other lawful officer of fisheries any of the powers given to said commissioners in relation to the construction of fishways.

SEC. 43. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners; that is to say, Royal river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin, and Sullivan, Pleasant river in Washington county, East Machias river, Winslow's stream in Penobscot and the eastern Penobscot river in Orland. Little river in Perry shall be exempt from all the foregoing provisions that relate to maintaining fishways in said river, except during April, May and June.

—may delegate powers to any fish warden.

Waters exempted from provisions relating to migratory fish.
1899, c. 42.
1901, c. 284, § 42.

GENERAL PROVISIONS.

SEC. 44. For the purposes of this chapter, the term "salmon" means the common migratory salmon of the sea coast and rivers; the term "landlocked salmon" means any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same locally known as "salmon trout" and "black spotted trout;" the term "alewife" means the small species of migratory fish called "alewife" but known also by the local names of "herring" and "gaspereau," and also includes the similar species found in tidal waters and known as "blue-back;" and the term "bass" means the striped bass of tidal waters.

Terms "salmon" and "landlocked salmon," defined.
1899, c. 42.

—"alewife," defined.

—"bass," defined.

SEC. 45. The provisions of this chapter so far as they relate to fish apply to the taking of the same in all fresh waters above the flow of the tide and in all tidal waters frequented by the various species of fresh water and migratory fishes, except to the capture of shad and alewives in Denny's river and its tributaries, Pemmaquam river and its tributaries, and the Schoodic lakes and their tributaries, and to the taking of whitefish in the Schoodic lakes on the St. Croix river and their tributaries, by citizens of the state with set nets, during the months of May and November, and conveying them to their own homes, but not otherwise. This chapter does not apply to fish taken in the weirs on St. Croix river and does not repeal the laws relating to the St. Croix, Denny's, Pemmaquam, Cobscook, East Machias and Narraguagus rivers; nor does it apply to the taking of the blue back trout, except that no person shall fish for, catch, take, kill or destroy the same with net, seine, weir or trap, under a penalty of five dollars for the attempt, and one dollar for each blue back trout so taken, caught, killed or destroyed, to be recovered by complaint.

Provisions of this chapter apply to all fresh waters above flow of tide.
1899, c. 42.

—waters exempted.

—penalty for killing blue back trout.

SEC. 46. Any riparian proprietor may, within the limits of his own premises, enclose the waters of a non-navigable stream 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 them for cultivation and propagation, but he shall

Riparian owners may enclose waters not navigable, for cultivation of fish.

—may take fish any time for purposes of cultivation and propagation.

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—penalty for selling for food in close time.

—when parent fish are taken from public waters, twenty-five per cent shall be returned to original waters.
1899, c. 42.
1901, c. 284
§§ 59-61.

—does not apply to fish taken lawfully for food.

Fishing in waters used for cultivation of fish, artificially, prohibited.

—penalty.
1899, c. 42.
1901, c. 284, § 62.

Penalty for killing sea salmon less than nine inches, or trout less than five inches in length.
1899, c. 42.

not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less than ten, nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold. Any person engaged in the artificial propagation of trout or fresh and salt water salmon, when the parent fish are taken from public waters in the state, shall retain not less than twenty-five per cent of all eggs taken from said parent fish, and shall cause the same to be properly cared for and hatched, and when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters, under a penalty of not less than fifty, nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case, however, less than twenty-five per cent of the young fish to be returned, as provided in this section.

SEC. 47. No person without permission of the proprietor, shall fish in that portion of the pond or other water in which fish are artificially cultivated or maintained by written permission of the fish commissioners, under a penalty of not less than ten, nor more than one hundred dollars, besides two dollars 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 otherwise discharged by due process of law.

SEC. 48. Whoever kills or destroys any sea salmon or landlocked salmon less than nine inches in length, or any trout less than five inches in length, forfeits five dollars for the offense and fifty cents for every landlocked salmon or trout so killed or destroyed. Whoever has in possession any salmon or trout of less than the above dimensions shall be deemed to have taken it in violation of this section.

FISH AND GAME WARDENS.

Fish and game wardens, appointment.
1899, c. 42.

—term.

—duties.

—shall give bond.

—power to serve processes.

SEC. 49. The governor with the advice and consent of the council, upon the recommendation of the commissioners of inland fisheries and game, may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed, and who shall enforce all laws relating to inland fisheries and game, and all rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; said wardens shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs, for like services, and they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond to the treasurer of state, in the penal sum of two thousand dollars, with two good and sufficient sureties approved by the commissioners of inland fisheries and game, conditioned for the faithful performance of the duties of their office. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of inland fish and game laws; fish wardens may be appointed inland fish and game wardens and need not give additional bond.

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SEC. 50. The commissioners of inland fisheries and game may appoint deputy wardens for whose official misconduct and neglect they shall be responsible and may revoke such appointments at any time. The appointment and discharge of such deputy wardens shall be in writing, and they shall have the same powers and be subject to the same laws, as wardens appointed by the governor and council.

Deputy wardens, appointment. 1901, c. 214. See Const. of Me. Art. ix, § 1.

SEC. 51. Sheriffs, deputy sheriffs, police officers and constables are vested with the powers of inland fish and game wardens and their deputies, and shall receive for like services the same fees.

Sheriffs and other officers, vested with powers of wardens. 1899, c. 42.

PROSECUTIONS.

SEC. 52. The commissioners and every warden throughout the state, and every sheriff and constable in his respective county shall enforce the provisions of this chapter, and shall seize any game, fish or game birds taken or held in violation of this chapter; and every such officer may arrest, with or without a warrant, any person whom he has reason to believe guilty of a violation thereof, and with a lawful warrant, may open, enter and examine all camps, wagons, cars, stages, tents, packs, stores, warehouses, storehouses, dwelling-houses, outhouses, stables, barns and other places, and examine all boxes, barrels and packages where he has reason to believe that game, fish or game birds taken or held in violation of this chapter are to be found, and seize such game, fish or game birds if any be found therein.

Commissioners and other officers, may seize game and fish. 1899, c. 42.

—may arrest without warrant.

—may enter camps, storehouses, and other places. 94 Me., 132.

—examine packages.

SEC. 53. Any officer authorized to enforce the inland fish and game laws may recover the penalties for the violation thereof in an action on the case in his own name, the venue to be as in other civil actions, or by complaint or indictment in the name of the state; and such prosecution may be commenced in the county in which the offense was committed, or in any adjoining county, and the plaintiff prevailing shall recover full costs without regard to the amount recovered.

Enforcement of penalties. 1899, c. 42. 1901, c. 222, § 9. 88 Me., 211.

SEC. 54. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of any of said laws, and shall with reasonable diligence, cause him to be taken before any trial justice or any municipal or police court, in the county where the offense was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county; and any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.

Violators of this chapter may be arrested without process. 1899, c. 42.

—jurisdiction.

—abuse of power by officer.

SEC. 55. In all prosecutions under this chapter, municipal and police judges and trial justices within their counties have, upon complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.

Jurisdiction. 1899, c. 42. 79 Me., 17, 160.

SEC. 56. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, and shall neglect for more than thirty days to pay the same into the state treasury, shall be punished by a fine of not less than fifty; nor more than one hundred dollars; all fines and penalties recovered, or money paid, under any of the provisions of this chapter, after deducting legal taxable costs, shall be paid forthwith to the treasurer of state by the person recov-

Penalty of any officer who neglects to pay fines into the state treasury. 1899, c. 42.

—all fines shall be paid to treasurer of state.

CHAP. 32.

How war-
rant may be
served on a
corporation.
1899, c. 42.

Licenses, etc.,
may be re-
voked if holder
shall persist-
ently violate
this chapter.
1899, c. 42.

Duty of
county at-
torneys to
prosecute all
violations,
subject to
control of
commission-
ers.
1899, c. 42.

—witnesses
may be com-
pelled to testi-
fy against
any other
person.

—report of
magistrate or
clerk of
court.

—all seizures
shall be reported
to commis-
sioners.

—wardens
shall re-
port all viola-
tions.

—penalty for
failure to per-
form duty.

ering the same; and all money so received by said treasurer shall be expended by the commissioners of inland fisheries and game for the protection of the fish and game of the state.

SEC. 57. In case of a violation of any of the provisions of this chapter by a corporation, the warrant of arrest 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. 58. If the holder of any license, certificate or permit, issued in conformity with any of the provisions of this chapter, shall persistently and flagrantly and knowingly violate or countenance the violation of any of the provisions of this chapter, such license, certificate or permit may be revoked by the commissioners, after giving such holder due notice of the alleged violation and affording him an opportunity to appear and show cause against the same.

SEC. 59. 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 commissioners or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioners. In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioners 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. Every magistrate or clerk of the court before whom any prosecution under this chapter is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, shall report in writing the result thereof and the amount and disposition of the fines collected to the commissioners at Augusta. In all cases, the officer making the seizure or sale of fish, game or birds shall within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses and fees, and the disposition thereof to the commissioners at Augusta. Every warden shall, in the month of December of each year, and at such other times as the commissioners may require, report to the commissioners all violations of and prosecutions under this chapter, occurring in his district, together with such further information as the commissioners may require. 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.

Note. Notices on petitions to legislature for special legislation relating to fish and game, c. 2, § 36.

Fish and game wardens are made state fire wardens, c. 7, § 54.

Notices of special benefits from legislation for protection of fish to be posted on banks or shores of protected waters, c. 41, § 54.

Penalty for falsely assuming to be an inland fish and game warden, or a commissioner of inland fisheries and game, c. 123, § 24.