

MAINE STATE LEGISLATURE

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Chapter 37.**Inland Fisheries and Game.**

- Sections 1- 12. Commissioner and Advisory Council. Administration. Rules and Regulations. Hearings.
- Sections 13- 14. Fishways. Dams.
- Sections 15- 18. Fish and Game Culture. State Game Farms. Wild Animals in Captivity.
- Sections 19- 21. Fish Hatcheries. Fish Screens.
- Section 22. Bulldozing of Waters.
- Section 23. Reciprocity.
- Sections 24- 26. Inland Fish and Game Wardens.
- Sections 27- 33. Civil Service Commission.
- Sections 34- 36. Guides.
- Section 37. Sporting Camps.
- Section 38. Definitions.
- Sections 39- 67. Fishing. Open Seasons. Size and Weight of Fish. Regulations in Lumber Camps. Implements and Devices Prohibited. Ice Fishing. Transportation of Fish. Stocking of Lakes and Streams. Cultivation of Fish. Jurisdiction of Commissioner. Operation of Boats on Inland Waters. Regulating Boats for Hire. Restricting the Use of Power Boats.
- Section 68. Hunting and Trapping. Definitions.
- Sections 69- 72. Trapping. Licenses. General Provisions. Snares. Poisons.
- Sections 73- 84. Hunting. Revocation of Hunting and Fishing Licenses. Intoxication. Sunday Hunting. Night Hunting, Etc. Silencers. Automatic Firearms. Kindling of Fires. Importing of Wild Birds or Animals.
- Sections 85- 89. Hunting of Game Birds. Use of Power Boats in Hunting Waterfowl.
- Sections 90-107. Hunting of Moose, Caribou, Deer and Other Wild Animals. Use of Airplane Prohibited. Crop and Orchard Damage. Motor Vehicle Damage. Illegal Devices for Hunters and Fishermen. Dogs May Be Killed. Transportation and Sale of Deer. Transportation of Fish, Game and Fur-bearing Animals. Registration Stations for Bear Killed. Closed Season on Rabbits, Etc.
- Sections 108-112. Hunting with Bow and Arrow.
- Sections 113-122. Trapping Season. Training of Dogs. Field Trials. Closed Season on Beaver. Digging Out Foxes. Bounty on Certain Animals.
- Sections 123-125. Licensing of Taxidermists and Dealers in Deer Skins and Heads, and Dealers in Furs.
- Sections 126-128. Search and Seizure of Game.
- Section 129. Disposition of Money Received under This Chapter.
- Sections 130-139. Jurisdiction of Offenses. Court Proceedings. Penalties.
- Sections 140-141. Possession of Firearms or Fishing Tackle.
- Section 142. Expiration Date of Licenses.
- Section 143. Biennial Revision.
- Section 144. Wildlife Restoration Projects.
- Section 145. Fish Restoration and Management.
- Sections 146-148. Careless Shooting of Human Being. Hunting in Game Preserves.
- Sections 149-150. Game Preserves and Sanctuaries.
- Section 151. Field Trials for Retrieving Dogs.

Commissioner and Advisory Council. Administration. Rules and Regulations. Hearings.

Sec. 1. Commissioner and deputy commissioner; appointment; term; reports; salary.—A commissioner of inland fisheries and game, as heretofore appointed by the governor with the advice and consent of the council, shall hold office for 3 years, and a deputy, recommended by him in writing, as heretofore appointed by the governor with the advice and consent of the council, shall hold office during the pleasure of the commissioner recommending him; and each shall serve until his successor is appointed and qualified. The commissioner shall make a report to the governor on or before the 30th day of June of each year, for the year ending December 31st prior thereto.

The commissioner shall receive an annual salary of \$7,000 and he shall also receive all necessary traveling expenses. (R. S. c. 33. 1945, c. 366, § 1; c. 374, § 2. 1951, c. 412, § 11.)

Sec. 2. Duties and office; sale of confiscated arms and ammunition.—The commissioner of inland fisheries and game, hereinafter designated as “the commissioner,” shall have general supervision of the administration and enforcement of the inland fish and game laws. Under his direction his deputy shall assist him in the performance of his duties, particularly in field work and including the inspection of hatcheries and similar property, and in supervision of wardens and inspection of warden service. The commissioner shall have an office at the state capitol and adequate facilities for the transaction of the business of his department which shall be known as the department of inland fisheries and game, hereinafter designated as “the department.”

The commissioner is authorized to sell all arms and ammunition held or confiscated by the state for violation of laws relating to the protection of inland fish and game. He shall transmit all moneys received by such sales forthwith to the treasurer of state to be credited to the department.

Whenever the entire state is closed to hunting by proclamation of the governor during the open season on deer, the commissioner with the consent of the governor and council is authorized to extend the open season for deer hunting for a period of not more than 2 weeks, which period shall not total more than $\frac{2}{3}$ of the time lost. (R. S. c. 33. 1945, c. 27; c. 374, § 2. 1949, c. 179.)

See c. 16, § 30, re state owned cars.

Sec. 3. 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. (1953, c. 394, § 1.)

Sec. 4. Advisory council; appointment; terms; salary; expenses; meetings.—An advisory council, as heretofore appointed by the governor with the advice and consent of the council, shall consist of 7 members, chosen one from each of the councilor districts. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the governor, with the advice and consent of his council, shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive no compensation for their services, but said council shall be allowed actual expenses not to exceed \$500 for each fiscal year. The council shall render to the commissioner information and advice concerning the administration of the department. The council shall hold regular meetings with the commissioner or his deputy at the state capitol on the 1st Thursday of January and July, annually, and special meetings at such other times and places within the state as would seem advisable. At the meeting

held on the 1st Thursday of January of each year, the council may elect one of its members as chairman and one as vice-chairman. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 5. 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 37 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. (1953, c. 394, § 1-A.)

Sec. 6. 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. (1953, c. 394, § 1-A.)

Sec. 7. Provision for annulment.—If after issuing the declaration provided for in section 5, 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. (1953, c. 394, § 1-A.)

Sec. 8. Governor and council to sell property no longer needed.—The governor and council on recommendation of the commissioner may sell and convey on behalf of the state the interests of the state in property taken or acquired by purchase under this chapter and deemed no longer necessary for the purposes hereof. (1953, c. 178.)

Sec. 9. Rules and regulations.—Whenever any existing conditions adversely affect the fish in waters in any part of the state, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be deemed remedial of any such adverse conditions, in the manner hereinafter provided:

Petitions stating the conditions affecting the fish and the regulations which are desired as a remedy may be addressed to the commissioner, by a majority of the municipal officers or 25 citizens of the municipality in which the waters exist; or if the waters are in an unorganized territory, by a majority of the county commissioners of the county in which said waters exist; or the commissioner may investigate the conditions adversely affecting the fish in any waters in any part of the state. This petition shall be filed in the office of the commissioner before the 1st day of September of each year.

Hearing shall be held in the several counties during the period from September 15th to December 14th, inclusive, of the year in which said petition has been filed, before the commissioner or such subordinate officer of the department as the commissioner may designate, at a date and place to be designated by the commissioner.

Notice of the hearings to be held and the time and place thereof shall be by publication once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, and if no paper is published there, in a newspaper having state-wide circulation.

After hearing pursuant to the petitions filed, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be

deemed remedial of any adverse conditions proven to exist at the time of said hearing, such regulations to become effective on January 1st of the year next following the date of the petition. The commissioner shall cause the regulations to be reduced to writing, and publish the same once a week for 2 successive weeks in a newspaper published in the county where the waters are situated and which are affected thereby, or if no paper is published there, in a newspaper having state-wide circulation, the last publication being prior to January 1st, following the date of the petition. The commissioner shall file a certified copy of said regulations with the secretary of state and with the clerk of the superior court of the county in which the waters affected thereby are situated.

If an unusually large concentration of fishermen should occur on any one of the waters in this state, so that the supply of fish in those waters might be depleted, the commissioner may declare an emergency and order a hearing held at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 days prior to the hearing in a newspaper published in the county where the water is situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having state-wide circulation. After the hearing, the commissioner may promulgate regulations providing for the times, number, weight and manner in which fish may be taken from such waters. He shall reduce the regulation to writing and provide for the expiration date thereof, and shall cause notice of the same to be published, the regulations to take effect upon the day following the publication thereof. A certified copy of the regulations 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.

Whenever the department stocks 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 state-wide 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.

Whoever violates any provision of this section or any rule or regulation issued under the provisions of this chapter shall be penalized under the provisions of section 139. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 317. 1953, c. 394, § 3.)

See c. 38, § 38, re Atlantic sea run salmon.

Sec. 10. Commissioner may continue rules and regulations.—All rules and regulations of the commissioner now in effect or hereafter promulgated shall remain in force until changed by further rules and regulations of said commissioner or by the legislature. Whoever violates any provision of any rule or regulation of the commissioner promulgated by virtue of this chapter shall be subject to the penalties provided in section 139. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 11. Willful defacement of notice of commissioner.—Whoever willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioner, posted in conformity with the provisions of this chapter, shall be punished by a fine of not more than \$50. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 12. Commissioner shall furnish sufficient copies of laws for 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 5.)

Fishways. Dams.

Sec. 13. Construction of fishways and repairs thereto; appeals.—Whenever the commissioner shall deem it expedient, he may require a fishway to be provided, erected, maintained, repaired or altered by the owners or occupants of any dam or other artificial obstruction above tidewater in any inland waters frequented by salmon, landlocked salmon, shad, alewives or other migratory fish, in the manner hereinafter provided:

Fourteen days' written notice of hearing shall be given to one or more of the owners or occupants of any dam or obstruction.

Hearing shall be held by the commissioner or such subordinate officer of the department as the commissioner may designate, at a time and place selected by the commissioner.

After hearing, the commissioner by written order may require the owners or occupants of said dam or obstruction to provide, erect, maintain, repair or alter a suitable fishway, and he shall further prescribe the time during which said fishway shall be kept open for the passage of fish, under such conditions as shall be specified in said written order. The commissioner may amend the order, changing the time during which said fishway shall be kept open. Certified copies of the orders and any amendments shall be mailed to the owners or occupants of said dam or obstruction.

If any owner or occupant neglects or refuses to join in proportion to his interest therein in erecting, maintaining, repairing or altering such fishway so ordered and required, the other owners or occupants shall do so and shall have an action on the case against such delinquents for their proportion of the expense thereof; and if all owners and occupants refuse or neglect to do so, the commissioner may do so and shall have an action on the case against all delinquents for their proportion of the expense thereof. Whenever delinquent owners or occupants as aforesaid reside out of the state, said amounts may be recovered as penalties by libel against said dam or obstruction and the land on which it stands, filed in the superior court in the county where said land is located, in the name of the commissioner, such notice to be given of the pendency thereof as the court in term time or vacation orders; and the court may render judgment therein against said dam, obstruction and lands for said penalties and costs and order a sale thereof to satisfy such judgment and costs, including costs of sale, subject, however, to all said requirements for the erection, maintenance and repair of said fishway.

Any owner or occupant may appeal to any justice of the superior court from any order of the commissioner by filing, in the office of the clerk of the superior court in the county where said dam or other obstruction is located, his notice in writing of such appeal, containing the reasons therefor, within 14 days after the mailing of the copy of said order to any owner or occupant of the premises as above provided. If any such appeal is denied, full costs may be taxed against the appellant. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 6.)

Sec. 14. Building of dams.—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. (1947, c. 184. 1953, c. 394, § 7.)

Fish and Game Culture. State Game Farms. Wild Animals in Captivity.

Sec. 15. Waters set apart for fish culture; destruction of mink therein; transportation of live game; breeders; fish and game for

scientific purposes.—The commissioner, after hearing pursuant to the provisions of section 9, may set apart for a term not exceeding 10 years any inland waters for the use of the state, or of the United States commissioner of fisheries, in the prosecution of the work of fish culture and scientific research relative to fish. The order setting apart such waters shall be recorded in the registry of deeds in the county or registry district in which they are situated. In the waters so set apart, the commissioner and the United States commissioner of fisheries and persons acting under their authority in their respective fish culture and scientific work may take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other persons shall take or kill any fish, or use any implement for fishing, in such waters.

The commissioner may cause the destruction of any mink or other destructive animal or bird found in or around any fish hatchery or feeding station in this state.

The commissioner may grant permits to transport in and beyond the limits of the state live fish, wild animals or game birds taken in the state for breeding or advertising purposes.

The commissioner may take fish and game for scientific purposes and may bring fish and game into the state or authorize the same to be done by others.

The commissioner may permit the taking of pickerel, perch and other fish in specified waters, subject to such conditions as he may prescribe, whenever it appears that said fish seriously injure the propagation of or the fishing for any game fish, after hearing pursuant to the provisions of section 9.

The commissioner may issue permits to any person, firm or corporation to engage in the business of propagating game birds, game or wild animals, or wild rabbits on islands surrounded by open salt water all year under such regulations as he shall establish. He may issue to any person, firm or corporation permit to fence in 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, and except that such permit may be issued without fencing or enclosing land in the case of islands used to propagate rabbits. When it appears that such application is made in good faith, and upon the payment of an annual fee of \$10, said commissioner may issue to the applicant a breeder's license permitting the breeding and rearing of any species of game birds or wild animals within such enclosure or on such island. Such licensed breeders may at any time sell, transport, or kill and sell, and any licensed person, firm or corporation, resident of the state of Maine, may purchase, have in possession or transport any game birds, game or fur-bearing animals, or the skins thereof, raised by virtue of the provisions of this section, under such regulations as said commissioner may establish. No person shall engage in the business of breeding or rearing any game birds or game or fur-bearing animals at any time without first having procured a breeder's license as provided in this section.

The commissioner may issue permits to any person, firm or corporation to take, have in possession, band and transport wild birds and wild animals for scientific purposes. He may issue such rules and regulations as may be necessary.

Every licensed game or fur farmer and every person authorized to take birds or wild animals or fish for scientific purposes shall, on or before the 31st day of December of each year, make detailed report to said commissioner of all he has done during the year by virtue of such license or permit, on blanks to be furnished by the said commissioner. (R. S. c. 33. 1945, c. 374, § 2. 1951, cc. 35, 229. 1953, c. 26, § 1; c. 394, § 8.)

See c. 32, § 141, re license for breeding and raising mink.

Sec. 16. State game farms.—The commissioner is authorized to purchase suitable lands and erect buildings thereon within this state, necessary for the operation of state game farms for experimental work in the propagation of game

birds and game animals for restocking the woods and forests of the state, and to take game of any kind, dead or alive, or import the same for the purposes of inspection, cultivation, propagation, distribution or for scientific or other purposes deemed by him to be of interest to the game industry of this state. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 17. Hunting, fishing and trapping on game management areas.

—The commissioner is authorized to regulate hunting, fishing and trapping on game management areas owned or leased by the state and is authorized to close such areas to hunting, fishing and trapping or to permit the taking of any species which he shall designate for such periods, on such portions of the areas, and under such special regulations as are necessary to insure a desirable effect on game populations and provide for human safety. When game management areas are bordered by tidal flats such authority shall extend to the low-water mark on said flats.

This authority shall also apply to lakes, ponds, marshes and sections of streams lying within the boundaries of any such game management area.

Fur bearers may be removed from said game management areas by controlled trapping conducted under the direction of the commissioner in which case the furs shall become the property of the state and the proceeds from their sale shall be used for maintenance of the game management areas.

Regulations may be published and filed in the same manner as rules and regulations pertaining to fishing and each area shall be posted with signs setting forth the regulations in effect thereon. (1949, c. 170.)

Sec. 18. Keeping of wild animals in captivity; fees; care and treatment.—As used in this section, the following terms shall have the following meanings:

“Roadside menagerie.” Any place where one or more wild animals are kept in captivity, either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade.

“Wild animal.” A wild animal is defined as a species of animal wild by nature, whether bred or reared in captivity, as distinguished from the common domestic animals.

It shall be unlawful for any person to keep any wild animal in captivity for exhibition, or the evident purpose of attracting trade or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for a “roadside menagerie.” Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50. The terms “exhibition” or “menagerie” will not include the showing of any animal in connection with any theatrical exhibition, circus or agricultural fair.

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

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

The commissioner is charged with the enforcement of the provisions of this section and shall adopt, publish and enforce rules and regulations for the housing,

care, treatment, feeding and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Each day during which a roadside menagerie is maintained without a permit shall constitute a separate offense. (R. S. c. 33. 1945, c. 374, § 2.)

Fish Hatcheries. Fish Screens.

Sec. 19. Commissioner may take land for fish hatcheries or game management areas; appeal.—The commissioner for the location, construction, maintenance and convenient operation of a game management area for game, fish hatchery or fish hatcheries and feeding stations for fish may acquire in the name of the state by gift, bequest or otherwise, real and personal property; or he may purchase, lease or take and hold, for and in behalf of the state as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating game management areas, fish hatcheries or feeding stations. When the commissioner finds that a public need requires the taking of any land or rights for the purpose aforesaid, he shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof shall be filed in the registry of deeds in the county or registry district where the land or rights are located, and there recorded. The filing of such plan and description shall vest the title to the land and right aforesaid in the state or its grantees, to be held during the pleasure of the state.

The owners of property, either real or personal, taken by the commissioner under the provisions of this section shall be entitled to damages equal to the reasonable value thereof, and in the event of a disagreement over the value, the reasonable value shall be determined by the county commissioners of the county in which the land is situated, upon the written application of any interested party. If any party in interest is aggrieved by the decision of the county commissioners rendered in conformity with the provisions of this section, an appeal may be made to the superior court of the county in the same manner as is provided when land is taken by the state for highway purposes. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 20. Federal fish culture recognized.—The United States commissioner of fisheries and his duly authorized agents are accorded the right to conduct fish culture operations and scientific investigations in the waters of this state in such manner and at such times as may be considered necessary and proper by the said commissioner and his agents. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 21. Commissioner to have authority over fish screens.—The commissioner may authorize, alter and remove the screening of any inland waters and shall, upon application, make suitable provisions for the passage of logs, lumber and pulpwood in any floatable waters of the state so screened. The commissioner may prohibit fishing within 500 yards of any screen installed by authority of the department or the legislature. No person shall take up, destroy or injure any screen unless duly authorized by the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Bulldozing of Waters.

Sec. 22. Bulldozing of rivers, streams and brooks.—The bulldozing between the banks of a river, stream or brook in unorganized territory in excess of 500 feet in length in any 1 mile, measured along the thread of the stream, is prohibited unless permission is first obtained from the commissioner.

Whoever violates the provisions of this section shall be punished by a fine of not less than \$100, nor more than \$500. (1953, c. 296, § 1.)

Reciprocity.

Sec. 23. Reciprocal enforcement of violations in boundary waters.—Whenever a violation of the sea and shore fisheries laws or the inland fish and

game laws of the state of New Hampshire or the state of Maine is committed or attempted to be committed by any person or persons fishing in any waters or portion thereof lying between the state of New Hampshire and the state of Maine, any warden or other person, who is authorized to make arrests for violations of the sea and shore fisheries laws and the inland fish and game laws of the state of New Hampshire, shall have power and authority to make arrests on any part of such waters between the state of New Hampshire and the state of Maine or the shores thereof and to take the person or persons so arrested for trial to the state in which the violation was committed and there to prosecute such person or persons according to the laws of such state. (R. S. c. 33, 1945, c. 374, § 2.)

Inland Fish and Game Wardens.

Sec. 24. Inland fish and game wardens; appointment; powers and duties; tenure; service of processes.—The commissioner shall appoint persons as inland fish and game wardens who shall have qualified under the rules established in the civil service code authorized under the provisions of sections 27 to 33, inclusive, who shall continue to hold office according to the provisions of the civil service code. The compensation of the wardens shall be determined under the provisions of the personnel law.

It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and regulations pertaining thereto; to arrest all violators thereof, and to prosecute all offenses against the same.

The wardens shall have the authority to serve criminal processes on offenders of the law, and to arrest and prosecute camp trespassers or persons committing larceny from any cottage, camp or other building, and shall be allowed the same fees as sheriffs and their deputies for like services, all such fees to be paid to the commissioner, and the wardens shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve all processes pertaining to the enforcement of any provision of this chapter. (R. S. c. 33, 1945, c. 374, § 2, 1953, c. 372, § 2.)

See c. 63, § 11, sub-§ X, re personnel law.

Sec. 25. Wardens to act as state fire wardens.—Inland fish and game wardens shall be and act as state fire wardens. They shall, while in and about the woods, caution all sportsmen of the danger from fires in the woods and extinguish all fires left burning by anyone, if within their power. They shall give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished. (1945, c. 378, § 33.)

Sec. 26. Sheriffs, deputy sheriffs, police officers, constables and coastal wardens to have powers of wardens; wardens not to hold other office; lost persons.—Sheriffs, deputy sheriffs, police officers, constables and coastal wardens are vested with the powers of inland fish and game wardens, and shall receive for similar services the same fees as those of inland fish and game wardens. Fish and game wardens appointed under the provisions of section 27 shall hold no other state, county or town office from which they receive compensation.

Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting or fishing trip, or a trip for any other purpose, in the woodlands of the state and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the state to assist in finding the lost person or persons, and each person so summoned shall be paid

at a rate set by the said commissioner, with the approval of the governor and council, and be provided with subsistence during such service. The expenses of the commissioner in attempting to find lost persons shall be charged to the general fund. The commissioner shall have authority to terminate the search by members of his department. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 272. 1953, c. 394, § 9.)

See c. 38, § 9, re powers of coastal wardens; c. 133, § 20, re obstructing warden in performance of duty.

Civil Service Commission.

Cross Reference.—See c. 63, § 17, re preference in state employment for veterans.

Sec. 27. Civil service commission.—The advisory council of the department shall select 3 of its members to act as a civil service commission. The deputy commissioner with the approval of the commissioner shall prepare a written code for examinations for applicants for permanent employment in the warden service of the department. Such code shall not become operative until reduced to writing and approved in writing by the commissioner. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 364, § 1.)

Sec. 28. Rules promulgated.—The civil service commission shall prepare rules for the effective operation of sections 27 to 33, inclusive, which shall become effective when approved in writing by the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 29. Rules; examinations; probationary employment; intoxicating liquors; age limit.—The civil service rules shall provide and declare as follows:

I. The deputy commissioner, with the approval of the commissioner, shall prepare open and competitive examinations for testing the practical fitness of applicants for permanent employment in the warden service. (1949, c. 364, § 2)

II. The applicant shall be graded according to the method adopted by the civil service commission for testing his capabilities and fitness for the service. No employment shall be considered as permanent until the employee shall have completed a probationary period of sufficient length to demonstrate to the commissioner his ability and fitness to discharge the duties of the service.

III. The habitual use of intoxicating liquor or drugs shall disqualify any person from being appointed or retained in the warden service of the department. (1949, c. 364, § 2)

IV. The civil service commission is authorized to set the age limits within which original appointments to the warden service may be made. [1949, c. 364, § 2]. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 364, § 2.)

Sec. 30. Examinations advertised.—Notice of the time and the place of the examination shall be published in a paper having state-wide circulation. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 31. Definition of rules and regulations; modifications.—The words “rules” or “regulations” are used interchangeably throughout this chapter. These may be modified at any time by the civil service commission but shall not become effective until approved in writing by the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 32. Removal from service.—No person in the game warden service shall be dismissed or demoted except for such cause as would reduce the efficiency

of the service. Any person being demoted or removed from the service mentioned herein shall be given a notice in writing, stating the reasons for the demotion or dismissal and shall be allowed a reasonable time, to be stipulated in the notice, for answering the same in writing. Copies of charges, notice of hearing, answer, reasons for removal or demotion and the order of demotion or dismissal shall be made a part of the records of the department, and copies thereof shall be furnished to the person concerned if requested in writing. The civil service commission may provide for a tribunal made up of its members as a hearing board for cases arising under the provisions of this section. If no board has been created by the civil service commission, the hearings will be held by the commissioner or his deputy.

No hearing shall be required under the provisions of this section unless a written request is made within the time required for filing an answer in the notice. The notice may be made by mailing the same to the last known address of the employee in the service. (R. S. c. 33, 1945, c. 374, § 2, 1949, c. 364, § 3.)

Sec. 33. All permanent employees to come under provisions of §§ 27-33; present permanent employees retained.—The provisions of sections 27 to 33, inclusive, shall apply to all permanent employees. All present permanent employees shall be considered as if appointed under the civil service provisions. (R. S. c. 33, 1945, c. 374, § 2.)

Guides.

The manifest purpose of §§ 34-36 is the preservation of the fish in inland waters of the state, and the game in its forests. *State v. Snowman*, 94 Me. 99, 46 A. 815.

It has been for many years the policy of this state to protect and preserve its fish and game, and to that end the legislature has annually appropriated and caused to be expended large sums of money, and has enacted numerous statutes. Under this wise policy, the fish and game within its

borders have become of great importance and value to the state. Sections 34-36 constitute a further enactment in pursuance of such policy. *State v. Snowman*, 94 Me. 99, 46 A. 815.

The legislature has the constitutional power to regulate the employment of guides in fishing and hunting as provided in §§ 34-36. *State v. Snowman*, 94 Me. 99, 46 A. 815.

Sec. 34. Guides licensed by commissioner.—No person shall engage in the business of guiding, either for inland fishing or forest or shore hunting, until he has procured a license to do so from the commissioner. Each licensed guide shall, from time to time, as often as requested by said commissioner, forward, on blanks furnished him by said commissioner, a statement of the number of persons he has guided during the time called for in said statement, the number of days he has been employed as a guide and such other information relative to inland fish and game, forest fires and the preservation of the forests in the localities where he has guided, as the commissioner may deem of importance to the state. (R. S. c. 33, 1945, c. 374, § 2, 1951, c. 300, § 1.)

Quoted in *State v. Snowman*, 94 Me. 99, 46 A. 815.

Sec. 35. Junior guides; examining board.—The commissioner shall appoint a board of 4 members, 1 member of which shall be a Maine camp director, who shall serve without compensation, to be known as the "Junior Guides Examining Board." Appointments to said board shall be for 3 years or until successors are appointed.

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

All candidates must be between the ages of 14 and 21 years and those who pass the required examinations shall be presented with appropriate certificates by the

commissioner and may obtain a junior guide's license upon payment of a fee of 50 cents.

No junior guide may receive remuneration for services or compete in any way with regular Maine guides. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 218.)

Sec. 36. Applications for guide's licenses made to 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 fish 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. Nonresidents 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 or, if requested by the applicant, the persons licensed under this section may be restricted to fishing.

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 74.

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. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 355, § 1. 1951, c. 300, § 2. 1953, c. 6; c. 394, § 10.)

Requirement as to fee not unconstitutional.—The requirement that each person licensed under the provisions of this section shall pay a specified fee is not repugnant to the constitution. It is well settled that, when the state issues a license to any person to carry on any business or to engage in any vocation, it may exact a reasonable fee therefor. The fee required

by this section is certainly reasonable, being no more than is sufficient to defray the expense of registering and certifying and maintaining necessary supervision. *State v. Snowman*, 94 Me. 99, 46 A. 815.

Indictment held sufficient to charge violation of section.—See *State v. Snowman*, 94 Me. 99, 46 A. 815.

Sporting Camps.

Sec. 37. Sporting camps defined; regulation by commissioner.—A sporting camp, under the provisions of this section, shall include any camp, lodge or building regularly or temporarily open for hunting and fishing parties as distinguished from private dwellings, and which are situated in any of the unorganized townships in the state.

Every person, maintaining a sporting camp within the territory described in the preceding paragraph, shall obtain a license from the commissioner each calendar year, and shall pay therefor a fee of \$5. The license shall not be issued unless the applicant files the written consent of the landowner or his agent upon whose property the sporting camp is located. The holder of each license issued under the provisions of this section shall report the number of residents and non-residents entertained in such camp, and shall furnish such other information relative to the natural resources of the state as the commissioner may require, and shall file the same on or before the 15th day of December of each calendar year.

A license shall only be issued to persons who have complied with the provisions of this chapter.

Any violation of any provision of this section shall be punished by a fine of \$50 and costs. (R. S. c. 33. 1945, c. 374, § 2.)

Definitions.

Sec. 38. Definitions.—The words “closed season” shall mean the time during which it is unlawful to hunt, pursue, shoot, wound, trap, destroy or possess any bird or animal, to fish for or catch any fish.

“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.

“Landlocked salmon” and “salmon” shall be construed to mean the same species of fish.

The words “open season” mean the time during which it shall be lawful to take animals, birds and fish as specified and limited by law.

The word “tributary” means a brook or stream flowing directly or indirectly into a lake, pond or another stream. A lake or great pond shall not be construed to mean “tributary.” The tributary to a great pond shall not be considered a tributary to the outlet of that great pond.

A “water thoroughfare” means a waterway without flowage, as distinguished from a stream or river, connecting 2 bodies of water. All thoroughfares and bogs shall be covered by the same laws applicable to lakes and ponds except as hereinafter provided. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 11.)

Fishing. Open Seasons. Size and Weight of Fish. Regulations in Lumber Camps. Implements and Devices Prohibited. Ice Fishing. Transportation of Fish. Stocking of Lakes and Streams. Cultivation of Fish. Jurisdiction of Commissioner. Operation of Boats on Inland Waters. Regulating Boats for Hire. Restricting the Use of Power Boats.

Sec. 39. Fishing licenses; fees; revocation; free hunting and fishing permits.—No resident of the state over 16 years of age and no nonresident over the age of 10 years shall fish in any inland waters of the state, except in accordance with the following provisions:

I. Any resident of the state and his or her immediate family may, without license, fish in open waters in accordance with the laws of the state, from land to which he or she is legally entitled to possession, on which he or she is actually domiciled, and which is used exclusively for agricultural purposes.

II. Each resident of Maine and each nonresident shall purchase a fishing license, which shall be kept upon the person while fishing or transporting fish, and shall be exhibited upon request to any warden, guide or employee of this department. A resident shall apply and obtain a license from the clerk of the

town in which he has a residence, but if the applicant is a resident of the state and is domiciled in an unorganized territory, then the clerk of the town nearest to the unorganized place may issue a license. The commissioner may appoint agents in unorganized towns for the purpose of issuing resident fishing licenses to the residents domiciled in that unorganized town. (1947, c. 355, § 2)

Stated in *State v. Pulsifer*, 129 Me. 423,
152 A. 711.

III. The clerks of all municipalities are authorized agents for the issuance of all fishing licenses. The commissioner may designate additional agents and shall determine the period during which they shall act. The license shall be issued upon payment of \$2.25, and the clerk shall retain 25c from the fee. The license shall be valid for the calendar year in which it was issued. All licenses shall expire on midnight of December 31st of the year of issue. No license shall be willfully issued to any person not a resident of the municipality in which said license is issued, and the penalty of any violation of this provision shall be \$10 and costs. (1945, c. 374, § 2. 1947, c. 355, § 2)

Stated in *State v. Pulsifer*, 129 Me. 423,
152 A. 711.

IV. All employees of the Veterans Administration Center residing in Maine and employed by the Togus Facility are classified as residents of this state for the purpose of obtaining fishing licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state. The governor may issue complimentary fishing and hunting licenses to members of the Canadian Immigration Customs Forces who serve in such capacity on the Maine border. The governor may grant 2-year complimentary hunting and fishing licenses to holders of the congressional medal of honor, upon their application therefor. (1945, c. 374, § 2. 1947, c. 276)

V. There shall be 4 classes of nonresident fishing licenses. A license for the entire season shall cost \$7.75. A 15-day license shall cost \$4.75 and shall remain in effect for 15 days from the date as designated in the license. The amount paid on a 15-day license shall be credited on an entire season license upon the additional payment of \$3.25 in the same year in which the 15-day license was issued. A junior nonresident license, for persons between the ages of 10 and 16 years, shall cost \$2.25 for a season. In all cases, 25c shall be retained by the agent from the license fee. Any resident or nonresident of the state, who is a citizen of the United States, may procure a license good for 3 consecutive days as designated in the license upon the payment of \$3.25, 25c to be retained by the agent. The date of the days must be plainly enumerated on the face of the license. Any resident of the state who procures a 3-day license may exchange the same for an annual resident fishing license in the town in which he resides, upon the payment of 25c to the clerk or agent who issues same. (1947, c. 355, § 3. 1949, c. 3. 1953, c. 394, § 13)

VI. Each season license shall expire on December 31st of the calendar year in which it is issued. Each agent shall on the 1st of each month forward to the commissioner the net funds by him collected, together with a report containing a list of the persons to whom he has issued licenses since the last report, the class of each license, and said funds shall be promptly forwarded to the treasurer of state.

VII. Failure to produce a license within a reasonable time shall be prima facie evidence of the violation of the provisions of this section.

VIII. No resident hunting or fishing license or combination of same shall be issued unless the applicant shall present a poll tax receipt from the town where he resided in the year immediately preceding the date of the application, or the applicant exhibits a valid unexpired state of Maine motor vehicle operator's

license bearing the applicant's name, or the applicant must exhibit a certificate from the taxing authority that he was exempted from paying a poll tax, or that the same has been abated or that the applicant is not required by law to pay a poll tax.

IX. The commissioner is authorized to issue free veteran's fishing permits covering groups of mental patients undergoing rehabilitation training at the Veterans Administration Center at Togus. These permits shall be issued on request of the manager of the Veterans Administration Center at Togus, shall be effective while such groups are being conducted by a representative of the Veterans Administration and while such groups are fishing within a 5 mile radius of Togus. (1947, c. 376)

X. The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of 16 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the commissioner of health and welfare 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. (1947, c. 19, § 2. 1953, c. 378, § 3; c. 394, § 14)

XI. When similar legislation is enacted by the state of New Hampshire, fishing licenses issued to residents of either this state or New Hampshire shall be recognized as meeting all requirements of the law when used on any lake or pond which is partly in both states. (1949, c. 117. 1951, c. 73)

XII. A license to hunt or fish shall be issued, at the resident license fee, to any member of the armed forces of the United States of America who is a citizen of the United States and stationed at some military or naval post, station or base within the state. Said member of the armed forces, desiring a hunting or fishing license, must present certification from the commander of said post, station or base, or his designated agent, that the person mentioned in the certification is stationed at or attached to said post, station or base. Licenses shall be issued by the clerk of the town in which said military or naval post, station or base is situated.

Holders of such licenses shall be subject to all the laws of the state and the rules and regulations of the commissioner regulating hunting and fishing; and for violations of said laws or rules and regulations, such license shall be revoked in the same manner as provided in this chapter for the revocation of hunting and fishing licenses. (1951, c. 238)

XIII. Any person obtaining any license authorized in this chapter through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section 139. [1953, c. 394, § 15]. (R. S. c. 33. 1945, c. 276; c. 374, § 2. 1947, c. 19, § 2; c. 276; c. 355, §§ 2, 3, 4; c. 376. 1949, cc. 3, 117, 141. 1951, cc. 73, 238. 1953, c. 394, §§ 12, 13, 14, 15.)

Right to revoke fishing license.—A fishing license granted by the state is in no sense a contract or property right, and may be revoked by the sovereignty which granted it at its pleasure and without notice. *State v. Pulsifer*, 129 Me. 423, 152 A. 711.

The right to fish is subject to regulation by the state, and the state can require a

license before the privilege is exercised. The power to grant a license presumes the right to revoke it. *State v. Pulsifer*, 129 Me. 423, 152 A. 711.

The state can revoke the permission which it grants, and a person in accepting a fishing license takes it subject to that condition. *State v. Pulsifer*, 129 Me. 423, 152 A. 711.

Sec. 40. Duplicate licenses; fees.—The commissioner shall issue a duplicate license to any person who has accidentally lost or destroyed any license issued to him under the provisions of this chapter, upon payment of a fee of 25c. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 41. Licenses for boys' and girls' camps.—Upon application, the commissioner shall issue to a boys' or girls' camp a camp fishing license which will permit any of the boys or girls, not over 16 years of age, to fish in the lake or pond adjacent to which the main camp is located. The fee for this license shall be \$25 for those camps with an enrollment of less than 50 campers, \$40 for those camps with an enrollment of not less than 50 campers but not more than 75 campers and \$60 for those camps with an enrollment of more than 75 campers. Those persons who fish under a camp fishing license as provided in this section shall be subject to all the laws, rules and regulations of this chapter. (1951, c. 371.)

Sec. 42. Closing fishways to fishing.—No person shall fish within 150 feet of any fishway; provided, however, that this section shall not include the taking of alewives and smelts in the manner provided under the laws regulating sea and shore fisheries. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 43. Closed season in the several waters of 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 63.

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. (R. S. c. 33. 1945, c. 304; c. 374, § 2. 1949, c. 237. 1953, c. 394, § 16.)

Sec. 44. Open seasons for fishing.—The following shall be the open seasons for fishing in the state, except as changed by rules and regulations of the department, and the opening and closing dates in all instances are inclusive. That part of any calendar year falling outside of the open season shall be expressly declared to be a closed season:

I. For salmon, trout, togue and white perch in lakes and ponds, there shall be an open season from the time the ice is out in the spring season until September 30th;

II. There shall be an open season for black bass in lakes and ponds from June 21st to September 30th; in rivers above tidewater from June 21st to September 15th; in brooks and streams from June 21st to August 15th. Provided, however, that 3 black bass only may be taken by fly fishing in any 1 day from June 1st to June 20th and no person shall have in his possession at any 1 time more than 3 black bass during this period. There shall be a closed season for bass in the inland waters of Cumberland county from October 1st to June 20th, both days inclusive. (1953, c. 10)

III. There shall be an open season for salmon, trout, togue and white perch in all the rivers above tidewater from the time the ice is out in the spring season until September 15th. (1949, c. 238. 1953, c. 394, § 17)

IV. There shall be an open season for salmon, trout, togue and white perch in brooks and streams from the time the ice is out in the spring season until August 15th. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 238. 1953, c. 10; c. 394, § 17.)

Sec. 45. Size of fish and weight of catch.—No person shall take, catch or kill more than 15 fish of the salmon, trout, togue, white perch or black bass species during any one day of any open season from any or all of the rivers, streams and brooks of the state, and which 15 fish shall not exceed a total weight of 5 pounds in all, unless the last fish caught increases the combined weight thereof to more than 5 pounds. No person shall have in his possession at any time:

I. A salmon or togue less than 14 inches in length;

II. A trout less than 8 inches in length;

III. A white perch less than 6 inches in length;

IV. A black bass less than 10 inches in length.

No person shall take, catch or kill in any one day on any of the lakes or ponds of the state more than 15 fish, nor shall any one person have in his possession at any time more than 15 fish or $7\frac{1}{2}$ pounds in all of salmon, trout, togue, white perch and black bass, unless 1 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. Provided further, that no person shall take, catch, kill or have in his possession at any time except as provided for by the rules and regulations of the department:

I. A salmon or togue less than 14 inches in length;

II. A trout less than 8 inches in length; (1953, c. 394, § 18)

III. A white perch less than 6 inches in length;

IV. A black bass less than 10 inches in length.

No person shall take, catch or kill more than 15 fish in any 1 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 1 time a number of fish of the foregoing species in excess of 15 or $7\frac{1}{2}$ pounds, unless 1 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.

In the event any person has fished in 2 or more counties during any 1 day, he shall not have in his possession more than the maximum number or maximum weight of fish permitted in the county allowing the largest number to be taken under the rules and regulations of the commissioner.

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.

The provisions of this section may be modified or changed by the rules and regulations of the department. (R. S. c. 33. 1945, c. 374, § 2. 1951, cc. 48, 106. 1953, c. 394, §§ 18, 19, 20.)

Sec. 46. Penalty for violation.—Whoever violates any provision of the 3 preceding sections shall pay a fine of not less than \$10, nor more than \$30, and costs of prosecution, for each offense; and in addition thereto, \$1 for each fish taken, caught, killed or had in possession in violation of any provision of said sections. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 47. Fishing on ponds formed by brooks, streams and rivers.—All ponds of 10 acres or less in area, formed on brooks, streams or rivers, shall be governed by the same law or rules and regulations governing fishing that apply to the brook, stream or river on which they are situated, whether said pond be natural or artificial. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 48. Daily limit on pickerel.—No person shall catch, kill or take more than 10 pickerel in any 1 day during any open season, and no person shall have more than 10 pickerel in his possession at any 1 time. Provided, however, that the provisions of this section do not apply in Washington county. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 49. Sale of certain fish.—It shall be unlawful for any person to sell or buy, directly or indirectly, any landlocked salmon, trout, togue, black bass,

white perch or pickerel, except that pickerel may be sold in Washington county. Provided, however, that this section shall not apply to fish which have been lawfully produced by commercial producers within the state or which have been lawfully imported from without the state.

Anyone desiring to sell such fish which have been either commercially grown within the state or imported from without the state must first obtain a license from the commissioner who is authorized to issue such licenses, subject to such rules and regulations as he may deem necessary to carry out the provisions of this section. The license fee shall be \$1 and licenses shall be kept constantly and publicly posted in the office or place of business of the licensee.

Such fish, whether commercially grown within the state or imported from without the state, shall be packaged at the original source which said package shall bear the name and address of the source printed on the outside thereof and the fish shall not be removed from the original package except by the ultimate purchaser.

All licensees shall keep invoices of fish so sold and purchased which invoices shall be available at all times for inspection by the commissioner or his duly authorized agent.

A violation of this section shall be punished by a fine of not less than \$10, or more than \$30, and costs, for each offense, and in addition thereto, \$1 for each fish sold or purchased. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 207.)

Sec. 50. Lumber camps shall not serve salmon, trout, togue, bass or pickerel.—No owner, keeper or employee thereof or any other person shall take any salmon, trout, togue, black bass, white perch or pickerel from the inland waters of the state for the purpose of serving or consuming the same in any camp, house or other building used partly or wholly in lumbering operations, log driving or construction of any kind. 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 fish described in this section. The provisions of this section shall not apply to pickerel in Washington county. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 51. Lumber camps not to use certain game as food.—No owner, keeper or employee thereof or any other person shall take any protected game bird or game animals, or parts thereof, at any time for the purpose of serving or consuming the same in any camp, house or other building used partly or wholly in lumbering operations, log driving or construction of any kind.

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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 21.)

Sec. 52. Certain implements and devices.—It shall be unlawful to use dynamite or any other explosive, poisonous or stupefying substance at any time for the purpose of taking or destroying any kind of fish. A violation of this provision shall be punished by a fine of not less than \$100 and costs for each offense or by imprisonment for 2 months.

It shall be lawful to angle or fish by use of the single-baited hook and line, artificial flies, artificial minnows, artificial insects, spoon hooks and spinners.

It shall be unlawful to jig fish at any time.

All other devices, such as fish spawn, grapnel, spear, trawl, weir, gaff, seine, gill net, trap or set lines except as hereinafter provided, for the taking, catching, killing or destruction of fish shall be unlawful except that it shall be lawful to take suckers, eels, hornpouts, yellow perch, white fish and cusk in accordance with the provisions of section 57. 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 sections 15 and 57 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.

Gill nets of not larger than $1\frac{1}{4}$ inch mesh may be used in the taking of white fish in Eastern Grand lake and Hot Brook lake in Aroostook and Washington counties, and in Baskahegan lake, Pocumpus lake and Western Grand lake, all in Washington county, and Junior lake, in Penobscot county, and in Mattawamkeag lake in Aroostook county, and in First Debsconeag lake and Thoroughfare leading to the West Branch of the Penobscot river, in the county of Piscataquis during the month of November of each year.

Any violation of the provisions of this section shall be punished by a fine of not less than \$10, nor more than \$300, and costs of prosecution, for each offense, and in addition thereto, \$1 for each fish unlawfully taken, caught, killed or in possession of any violator of this section.

No person shall fish with more than 2 lines at any 1 time except in accordance with the provisions of section 54. (R. S. c. 33. 1945, cc. 21, 143; c. 374, § 2. 1947, c. 18. 1949, c. 68. 1953, c. 394, §§ 22, 23.)

This section is applicable to all fresh waters from its operation. State v. Towle, 80 Me. 349, 14 A. 729.

Sec. 53. Use and possession of gill nets in Fish River Chain of Lakes.—It shall be unlawful for anyone to use or have in possession a gill net on any of the waters of the Fish River Chain of Lakes in the county of Aroostook.

Any violation of the provisions of this section shall be punished by a fine of not less than \$100, nor more than \$300, and costs, which fine and costs shall not be suspended. On the 2nd offense the fine shall be not less than \$100, nor more than \$300, and costs, and not less than 15 days nor more than 60 days in jail, which fine, costs and jail sentence shall not be suspended. (1951, c. 318.)

Sec. 54. Ice fishing.—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 nighttime 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 nighttime 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 nighttime.

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. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 133. 1953, c. 394, § 24.)

Sec. 55. Taking of smelts.—It shall be unlawful to take smelts in any of the inland waters of the state above tidewaters for the same period that such waters are closed to all fishing, except as hereinafter provided or under the rules and regulations of the department. During the open season on such waters, smelts may be taken by the use of a dip-net in the usual and ordinary way. No person shall take, kill, catch or have in possession more than 4 quarts of smelts in any 1 day. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 25.)

Sec. 56. Taking of hellgramites.—No person shall take, buy or trans-

port any hellgramites for use beyond the limits of this state. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 57. Taking of eels, suckers, hornpouts, yellow perch and alewives; permits.—The commissioner may grant permits to take suckers, eels, hornpouts, alewives and yellow perch for market, by means of eel pots, traps, spears or nets, in inland waters frequented by these fish, under such terms, rules and regulations as he may establish, but no exclusive territory permits shall be granted for the taking of any of said fish in any inland waters. It shall be unlawful for any person, firm or corporation to take any of the above-mentioned fish for market until he has obtained a permit to do so from the said commissioner.

It shall be lawful to take suckers in brooks and streams which are open to fishing between April 15th and May 30th of each calendar year by the use of a spear by persons licensed or otherwise entitled to fish in Maine waters.

The commissioner may issue a permit to any licensed trapper to take not more than 20 pounds of eels annually for use in baiting traps. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 58. Transportation of fish, regulated. — Any person lawfully in possession of fish may transport them to his home, providing the fish are possessed by the person who caught them.

Any person legally in possession of any fish may ship his daily limit of fish to his home by way of a common carrier, in accordance with the provisions of this chapter. Such privilege of shipment may be exercised once every 10 days by purchasing from the commissioner or his agent a transportation tag which shall cost \$1.

No fish shall be transported by any carrier until the shipper has exhibited his fishing license in person, or the same is exhibited by his agent, together with the written request of the licensee that the carrier transport the shipment, and the carrier shall retain the written request until the end of the calendar year in order that inspection may be made by the department. The agent of the common carrier shall indorse, in ink, the following on the back of the shipper's license: The shipping point, date of shipment, weight and number of each kind of fish contained therein and the destination. Such shipment shall have affixed the license number and the kind and weight of fish contained therein. Such agent shall refuse to accept any consignment of fish if it appears that the consignor is not entitled to make such shipment. Fish taken from Rangeley lake, Mooselucmeguntic lake, Cusuptic lake, Upper Richardson lake and Lower Richardson lake shall be limited to 1 shipment in any 1 calendar year. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 200. 1953, c. 33; c. 394, § 26.)

Sec. 59. Stocking of lakes and streams without permission of commissioner.—Whoever introduces fish of any kind into any waters of the state by means of live fish, or otherwise, except upon written permission of the commissioner, shall be punished by a fine of not less than \$50, nor more than \$500. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 60. "Advance baiting."—Whoever deposits any meat, bones, dead fish, or parts of the same, or other food for fish in any of the inland waters of the state for the purpose of luring fish, known as "advance baiting," shall be punished by a fine of not less than \$10, nor more than \$30, and costs of prosecution, for each offense. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 61. Planting of fish in inland waters.—No person, firm, corporation, department head or employee of the state shall deposit or plant any fish or fish spawn obtained from or raised by the state of Maine or the federal government in any brook, stream or river of this state within a distance of 5 miles down stream of any sawmill, wood working plant or factory, which deposits in said

inland waters, or on the banks thereof, in such manner that the same may fall or be washed into said waters, any slabs, edgings, sawdust, chips, bark, mill waste, shavings or fibrous materials created in the manufacture of lumber or other wood products, or so deposit any oil regardless of its source. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 62. Cultivation of useful fish by individuals.—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 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. Any person legally engaged in the artificial culture and maintenance of fish may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell, ship or transport them from his own pools or ponds, without accompanying the shipment, having first procured a license therefor and tagged said fish in accordance with the rules and regulations established by the commissioner. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 27.)

Sec. 63. Minnows for bait; dealers licensed.—It shall be lawful to take minnows usually used as bait for fishing in all the inland waters of the state, during the period that such waters are open for fishing, as bait for fishing only in this state, except that the commissioner may grant permits to take minnows for bait purposes from certain waters at any time; and provided further, that it shall be lawful to fish for and take white fish with single hook and line in the daytime in the waters of the state during such time as the waters fished in are open to fishing for salmon, trout and togue.

All persons dealing in live bait shall be licensed to do so by the commissioner, and the fee therefor shall be \$5 for each calendar year. The license shall authorize the person holding the same to use the ordinary commercial type of minnow trap or the ordinary commercial type of minnow seine not to exceed 4 feet in depth by 25 feet in length, in the taking of minnows and other unprotected fish commonly used for bait purposes.

Persons having a bait dealer's license under the provisions of this section may take smelts in accordance with the provisions of section 55, and a licensed bait dealer may possess more than 4 quarts of bait at any time providing the taking was legal. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 280.)

Sec. 64. Jurisdiction of commissioner.—The provisions of this chapter, so far as they relate to fish of all varieties and fishways, apply to fish and fishways down to tidewaters. All sea salmon, shad, alewives and smelts wherever found that migrate from the ocean into fresh water shall be under the concurrent jurisdiction of the commissioner of sea and shore fisheries and the commissioner of inland fisheries and game. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 65. Operation of boat upon great pond, river or inland body of water.—Whoever operates any boat upon any great pond, or upon any river or any inland body of water to which the public has a right of access:

I. Recklessly;

II. At an excessive rate of speed; or

III. In a wanton manner causing injury to any person or property; shall be guilty of reckless operation of a boat and upon conviction shall be punished by a fine of not more than \$200, or by imprisonment for not more than 3 months, or by both such fine and imprisonment. (1947, c. 281.)

Sec. 66. Boats for hire.—Any boat, except a canoe, maintained for hire and boats furnished by the owners or operators of state licensed boys' and girls'

camps upon any inland body of water to which the public has right of access shall be properly painted, repaired and fitted with oars. Any canoe maintained for hire upon any inland body of water to which the public has right of access shall be properly painted, repaired and fitted with paddles. The commissioner, through the warden service, shall have authority to determine if such boats and canoes meet the requirements of this section and shall fix the number of persons who may be lawfully transported in each boat or canoe at any 1 time. The owner of such boat or canoe shall cause figures indicating the capacity so established to be placed on the boat or canoe either in paint or metal and it shall be unlawful for any person to load such boat or canoe beyond the capacity established.

The provisions of this section shall not apply to duck skiffs, boats with licensed guides and boats under the jurisdiction of the public utilities commission as set forth in chapter 49.

Whoever knowingly fails to comply with the direction of the commissioner or warden or violates any of the provisions of this section shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (1949, c. 366. 1951, c. 188.)

Sec. 67. Restricting the use of power boats.—No person shall operate any boat or canoe propelled by motor on that portion of Portage lake in townships T. 13, R. 6, W. E. L. S., county of Aroostook, known as the Floating Island Area, north and westerly of a line beginning at the eastern edge of the marshy peninsula running out from Hutchinson ridge, running 50 yards outside of the floating islands in a northerly direction to the mouth of Mosquito brook. (1949, c. 321.)

Hunting and Trapping. Definitions.

Sec. 68. Hunting, alien, jack-light, trapping, resident and game management.—In addition to the definition of words and terms mentioned in this chapter, are the following:

I. "Hunting" means to hunt for, pursue, catch, take, kill, wound or destroy wild birds and wild animals.

II. For the purpose of this chapter, all aliens shall be classified as nonresidents. Any alien who has resided in this state continuously for 2 years and in addition thereto is assessed and pays taxes on real estate in the municipality in which he resides may purchase any resident license issued under the provisions of this chapter.

III. "Jack-light" means any artificial light used while hunting, except lights used and permitted under the provisions of subsection IV of section 113.

IV. The words "to trap" shall mean to trap for wild animals, or the act of trapping or attending to traps.

V. Any citizen of the United States shall be eligible for any resident license required under the provisions of this chapter, providing such person is domiciled in Maine with the intention to reside here, and who has resided in this state during the 3 months next prior to the date an application is filed for any license under the provisions of this chapter.

VI. "Game management" is the art or science of producing wild animals and birds, 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. [1953, c. 394, § 29]. (R. S. c. 33, 1945, c. 374, § 2, 1953, c. 394, § 29.)

Trapping. Licenses. General Provisions. Snares. Poisons.

Sec. 69. Trapping licenses; fees.—Any resident who traps for any wild animal except rabbits as hereinafter provided shall annually procure a license therefor from the commissioner, paying therefor \$10; provided, however, that the annual fee for such trapping within the limits of cities, towns and plantations of the state shall be \$5; provided further, that whoever hunts or traps for any beaver on any land in the state open to beaver trapping by said commissioner shall pay therefor a fee of \$10 annually, and an additional fee of \$2 for the tagging and marking of each skin as required by law, skins to be so tagged and marked by a warden supervisor as provided in section 119. The fee for a non-resident for a trapping license shall be \$200, except that the fee for a nonresident or alien for a license to trap bear only shall be \$10. Any resident under 16 years of age may trap for any wild animal, except beaver, in the organized cities, towns or plantations without a trapping license; in unorganized townships a license is required. Any person trapping for wild animals must, on or before the 31st day of December of each year or before being issued a license for the following year, send a written report of all wild animals and the number of each kind taken during that year, to the commissioner. Any resident or his immediate family may hunt or trap for wild animals, except beaver, in accordance with the laws of the state without such trapping license on land to which he is legally entitled to possess and which is used by him and his family exclusively for agricultural purposes, and on which he is actually domiciled, within the limits of an organized township. Whoever traps for any wild animal in violation of any provision of this section or whoever fails to file an annual report required by this section, or whoever has in his possession at any time any wild animal, or part thereof, taken in violation of any provisions of this section, shall be subject to the penalties provided for in section 139. Any person who has been found guilty of breaking and entering, or of larceny, shall not be eligible thereafter to obtain a trapper's license. Any person aiding, assisting or helping another in trapping or attending to traps shall be considered as a trapper and must procure a license therefor. (R. S. c. 33, 1945, c. 374, § 2, 1949, c. 168, 1951, c. 198, 1953, c. 394, § 30; c. 406, § 2.)

See § 39, sub-§ X, re free trapping licenses for Indians.

Sec. 70. Traps visited every 24 hours.—Any person trapping in any organized or incorporated place shall visit each trap or cause the same to be visited at least once in every calendar day including Sunday, except beaver sets, so called, and remove therefrom or cause to be removed any animal found caught therein. No person shall trap on or in any organized or incorporated place, or in any unorganized place on the cultivated or pasture area of land that is used for agricultural purposes, and on which land there is an occupied dwelling, or within 200 yards of any occupied dwelling, without first obtaining the written consent of the owner or occupant of the land on which said trap is to be set. It shall be the duty of the landowner or occupant to prove his ownership or occupancy of the land in question before any prosecution is made under this particular part of this section.

No person shall trap outside his own land, within $\frac{1}{2}$ a mile of the compact built up portion of any city or village, except by the use of water sets, so called, for mink and muskrat. A water set shall be a trap so set that it shall be completely covered by water at all times. Provided further, that any person who has a written permit from the landowner may trap only with water sets, so called,

within $\frac{1}{2}$ mile of the built up section of any city or village. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 71. Use of snares; guns set on swivels; poisons; traps labeled; bear traps enclosed in huts.—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. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 187. 1953, c. 394, § 31.)

See § 139, re penalty.

Sec. 72. Poisons not 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 139; 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 32.)

**Hunting. Revocation of Hunting and Fishing Licenses. Intoxication.
Sunday Hunting. Night Hunting, Etc. Silencers. Automatic
Firearms. Kindling of Fires. Importing of Wild Birds
or Animals.**

Sec. 73. Hunting licenses for residents and nonresidents; fees.—No resident over 16 years of age and no nonresident over 12 years of age shall hunt or have in possession wild 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 they are legally entitled to possession, and on which they are actually domiciled and which land is used exclusively for agricultural purposes. (1953, c. 394, § 33)

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. (1953, c. 394, § 33)

Stated in State v. Pulsifer, 129 Me. 423.

III. For the purpose of issuing licenses, the clerks of all towns are authorized agents. The commissioner may appoint additional agents.

The license shall be issued to a resident by the clerk of the town in which the applicant resides, or if domiciled in an unorganized territory, then by the clerk of the nearest town, upon payment of a fee of \$2.25, of which 25c shall be retained by the town clerk. The commissioner may appoint agents in unorganized towns for the purpose of issuing resident hunting licenses to the residents domiciled in that unorganized town.

A combination of hunting and fishing license may be issued on payment of \$4.25, 25c to be retained by the town clerk.

Each agent shall forward to the commissioner on the 1st day of each calendar month all of the funds collected by him during the previous calendar month, together with a list of the persons and the kind of licenses issued to them. The funds received by the commissioner shall be deposited in the state treasury. Each agent shall be entitled to retain the sum of 25c for each license issued. (1945, c. 374, § 2. 1947, c. 355, § 5. 1949, c. 349, § 59)

Stated in *State v. Pulsifer*, 129 Me. 423,
152 A. 711.

IV. The governor may issue complimentary fishing and hunting licenses to members of the Canadian Immigration and Customs Forces serving along the Maine border. (1945, c. 374, § 2)

Cited in *State v. Pulsifer*, 129 Me. 423,
152 A. 711.

V. No nonresident 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 upon request to any warden, employee of this department or guide.

Nonresident hunting licenses shall be of 2 classes: one class shall be issued upon the payment of \$10.25, which will license the holder to hunt wild birds or animals during the open season therefor, except deer; the other class shall be issued upon the payment of \$20.25, which will entitle the holder to hunt wild birds and animals including deer during the open season therefor. The agent issuing the license shall be allowed to retain 25c from the license fee. The purchaser of a \$10.25 nonresident hunting license may turn the same in for a \$10 credit on the purchase of a \$20.25 nonresident hunting license. (1947, c. 355, § 6. 1949, c. 21. 1953, c. 394, § 34)

VI. Each license shall expire at midnight December 31st of the calendar year for which it is issued. Licenses may be issued prior to the date upon which such license may be in force. Application blanks and licenses shall be furnished by the commissioner in such form as he shall designate.

VII. Any nonresident between the ages of 12 and 15 years may buy a junior nonresident 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 nonresident 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 10 and 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.

No person under the age of 10 may hunt wild birds or animals with firearms at any time. (1947, c. 355, § 8. 1953, c. 394, § 35)

VIII. Any person obtaining a license through fraud, misstatement or misrepresentation shall be subject to the penalties set forth in section 139. It shall be unlawful for a town clerk to willfully issue a resident hunting license to a person not a resident of the municipality in which the license is issued. (1953, c. 394, § 36)

IX. Failure to produce such license within a reasonable time when requested by any authorized person shall be prima facie evidence of a violation of this section.

X. All funds derived from the sale of licenses under the provisions of this chapter shall be used for the propagation and protection of all bird life, animal life and fish life and other expenses incident for the administration of these functions.

Provided further, that if any of such funds are not expended during the year in which they were collected the unexpended balance shall not lapse, but shall be carried as a continuing account available for the purposes herein specified, until expended. [1947, c. 355, § 9]. (R. S. c. 33. 1945, c. 83; c. 374, § 2. 1947, c. 99, § 1; c. 355, §§ 5, 6, 7, 8, 9. 1949, c. 21; c. 349, § 59. 1953, c. 394, §§ 33, 34, 35, 36.)

Sec. 74. Hunting and fishing licenses; revocation. — The commissioner 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 71, 72, 75, 76, 77, 81, 90, 91, 92, 97 and 101.

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

Any person whose license or licenses has been revoked under the provisions of the 2nd paragraph of this section may request a hearing by the commissioner, at which hearing all the facts concerning the violation shall be presented and the license or licenses may be reinstated.

The commissioner may suspend licenses held by any person who has appealed from a sentence imposed upon an alleged violation of the provisions of this chapter or of any rules and regulations adopted by the commissioner pursuant hereto. Such suspension shall apply only to the particular activity in which the licensee was engaged at the time of the alleged violation.

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 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 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 a transcript of the records of said proceedings with a record of any appeal entered on any judgment or sentence of said court. (R. S. c. 33. 1945, c. 374, § 2. 1949, cc. 123, 164. 1951, c. 268. 1953, c. 394, § 37.)

Sec. 75. Hunting while intoxicated or under the influence of drugs; prima facie evidence of hunting in violation of law.—No person shall

hunt while under the influence of intoxicating liquor or drugs. The possession of any firearms in the fields or forests or on the waters or ice in the state by any person while under the influence of intoxicating liquor or drugs shall be prima facie evidence that the possessor was hunting in violation of law. Whoever violates any provision of this section shall, upon conviction, be punished by a fine of not less than \$10, nor more than \$300, or by imprisonment for not less than 30 days, nor more than 6 months. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 76. 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 38.)

Applied in *State v. Sawyer*, 113 Me. 458, 94 A. 886.

Sec. 77. Night hunting.—It shall be unlawful to hunt wild birds in this state from sunset to $\frac{1}{2}$ hour before sunrise of the following morning.

It shall be unlawful to hunt wild animals from $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise of the following morning, except skunks and raccoons, as provided in section 113. For the purpose of this section, the time shall be that which is recognized as legal in the state of Maine.

No person shall have in his possession at any time any wild animal, or part thereof, taken in violation of the provisions of this section except as provided in section 113. Any person convicted of a violation under the provisions of this section shall be punished for the 1st offense by a fine of not less than \$200 and costs, nor more than \$400 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 30 days in jail, at the discretion of the court; and for a 2nd or subsequent offense, by a fine of not less than \$400 and costs, nor more than \$800 and costs, and 30 days in jail, which fine, costs and jail sentence shall not be suspended, and an additional penalty of not more than 60 days in jail, at the discretion of the court. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 36. 1949, c. 250.)

The time of day in a prosecution under this section forms an essential part of the offense. *State v. Rowell*, 147 Me. 131, 84 A. (2d) 140.

And hours during which accused hunted must be alleged.—The offense provided for in this section is hunting within certain hours of the day. Accordingly, no statutory offense is set forth unless the hunting is alleged to have taken place within such hours. *State v. Rowell*, 147 Me. 131, 84 A. (2d) 140.

A charge of hunting before sunrise on a given date is not a charge of violation of this section. *State v. Rowell*, 147 Me. 131, 84 A. (2d) 140, in which it was held that the allegations were insufficient to charge an offense under this section.

A warrant or indictment need not specifically negative the fact of hunting skunks and raccoons under this section where the process specifically charges the accused with hunting deer. *State v. Schaefer*, 147 Me. 403, 87 A. (2d) 911.

Sec. 78. Hunting from automobiles.—It shall be unlawful for any person to hunt any wild bird or wild animal at any time from 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. 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 19 of chapter 137 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 gunpowder exploded within it. For the purpose of this section, a motor boat shall not be considered a motor vehicle. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 309. 1953, c. 394, § 39.)

Sufficiency of indictment under former wording of section.—See *State v. Longley*, 119 Me. 535, 112 A. 260.

Sec. 79. Hunting from railways.—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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 40.)

Sec. 80. 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 41.)

Sec. 81. Use of silencers on firearms; use of firearms. — No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 139. Any sheriff, deputy sheriff, constable or warden may seize any firearm and any device or silencer found in possession of any person in violation of the provisions of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold and the proceeds paid to the treasurer of state, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the national guard in the performance of its duty.

No person shall use for hunting, or have in his possession at any time in the fields and forests or on the waters of the state, any automatic firearm, or any firearm that has been converted to an automatic type, or any firearm which has built-in mechanical adjustments which will permit it to function as an automatic arm.

No person shall use for hunting or have in his possession at any time in the fields and forests or on the waters of the state any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges shall have the magazine permanently altered so as to contain not more than 5 cartridges before it may be used in this state. It shall be unlawful for any person to use cartridges containing tracer bullets or cartridges containing explosive bullets.

An automatic firearm shall be defined as one that will continue to fire as long as the trigger is held back.

An auto-loading firearm shall be defined as one that reloads itself after each shot, and requires that the trigger be pulled for each shot.

No part of the 2nd or 3rd paragraph of this section shall apply to firearms used by any law enforcement agency in this state. The 3rd paragraph shall not apply to firearms using the .22 cal. rim fire cartridge or to any auto-loading pistol having a barrel less than 8 inches in length. (R. S. c. 33. 1945, c. 299; c. 374, § 2. 1953, c. 394, § 42.)

Sec. 82. Kindling fires in unorganized townships; erecting trailers, shelter or tents; noncombustible wads in loading firearms. — Nonresidents shall not kindle fires upon any unorganized township from May 1st to November 30th, inclusive, except when the ground is covered with snow, without being in charge of a registered guide, except at public camp sites or luncheon grounds maintained by the forestry department. No guide shall be employed by more than 3 nonresidents while hunting at the same time.

Public camp sites and luncheon grounds maintained by the forestry department are for the traveling public's use as a measure to prevent forest fires.

It shall be unlawful for any person or persons to erect any trailer, shelter or tent from May 1st to November 30th at any public camp site or luncheon ground maintained by the forestry department within the state and leave such trailer, shelter or tent for later occupation. It shall also be unlawful to erect any trailer, shelter or tent nearer than 20 feet from any fireplace at any public camp site or luncheon ground. Persons already having occupied a camp site or luncheon ground maintained by the forestry department for more than 1 week shall leave at the request of the forest commissioner or his representatives, or any fish and game warden. The failure of any person to comply with the provisions of this section shall, on conviction, be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

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. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 151. 1951, c. 245. 1953, c. 394, § 43.)

Sec. 83. Walls and fences not destroyed, nor gates left open by hunters.—No person shall tear down or destroy any fence or wall, or leave open any gate or bars, or trample or destroy any crop on the land of another person while taking, trapping, hunting or pursuing any wild animal, wild bird or fish. In addition to the penalties of section 139, the commissioner shall have authority to revoke and forfeit the hunting or fishing license of the person so doing. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 84. Wild birds or wild animals not imported without written permission of commissioner.—No person shall introduce or import any wild bird or wild animal, or part thereof, of any kind or species into the state or receive or have in possession such wild bird or wild animal, or part thereof, so introduced or imported, without written permission of the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Hunting of Game Birds. Use of Power Boats in Hunting Waterfowl.

Sec. 85. Federal regulations on migratory game birds to govern; open season on partridge, woodcock and pheasants. — No person shall hunt or have in his possession any eagle, Hungarian partridge or capercaillie, cock of the woods or any black game.

There shall be a closed season on partridge or grouse and pheasant from November 16th to September 30th of the following year, both days inclusive, and no person shall, during the open season, have in possession in any 1 day more than 4 partridge or 2 pheasants or not more than 4 partridge and pheasants in the aggregate, or in any 1 open season for partridge or grouse more than 25 partridge

or 12 pheasants, nor shall any person at any time buy or sell any partridge, grouse or pheasant; provided further, that there shall be a closed season on pheasants within the following described territory until September 30, 1958: All of Penobscot county north of the Canadian Pacific railroad tracks, running from Megantic to Mattawamkeag and Maine Central railroad tracks running from Mattawamkeag to Vanceboro. No person shall have in possession any partridge or pheasants taken in closed season.

There shall be an annual open season on woodcock from October 1st to October 31st, both days inclusive, and during the open season no person shall take or kill more than 4 woodcock in any 1 day or have more than 8 in possession at any 1 time.

Except as provided in this section it shall be unlawful for any person to hunt, capture, kill, take, possess, buy or sell any migratory game bird at any time; but it shall not be deemed to be a violation of this chapter to hunt, capture, kill, take, possess, buy or sell any migratory game bird or part thereof at the times, in the manner and numbers, and by the means specifically permitted by regulations adopted and approved pursuant to the provisions of the Federal Migratory Bird Treaty Act (Act of Congress approved July 3, 1918). (R. S. c. 33. 1945, c. 158; c. 374, § 2. 1947, c. 236; c. 311, §§ 1, 2. 1949, cc. 74, 120. 1951, c. 217. 1953, c. 252; c. 394, § 44.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 86. Nets, traps, crossbow, snares and guns larger than 10-gauge not used.—No person shall hunt with a net, trap, crossbow, 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 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 139. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 46.)

Sec. 87. Use of pole traps.—It shall be unlawful for any person to set or use any steel trap on the top of a pole, constituting a device commonly known as a "pole trap" for the purpose of catching any wild bird, without a written permit from the commissioner; such permit to be issued only when found by the commissioner to be necessary for the protection of poultry, game birds or game fish, where raised by a private individual or by the state. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$300 and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 88. 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, 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 85. (R. S. c. 33, 1945, c. 374, § 2, 1953, c. 394, § 47.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 89. Use of power boats in hunting waterfowl; decoys and blinds in Merrymeeting bay.—No person shall at any time hunt any sea birds, duck or waterfowl in any inland or tidal waters of the state from an automobile, airplane, power boat, sailboat, any boat under sail, any floating device towed by a power boat or any boat propelled by a motor attached in any manner.

The provisions of this and the 3 following paragraphs shall apply to the waters of Kennebec river, known as Merrymeeting bay, bounded as follows: From the high tension wires at Chop's Point to the first dam on the Androscoggin river, to the first road bridge on the Muddy, Cathance, Abbagadasset and Eastern rivers, and the Richmond-Dresden bridge on the Kennebec river, being in the counties of Cumberland, Sagadahoc and Lincoln.

No artificial cover which is termed stationary blind, or parts thereof, used for hunting purposes shall be left or allowed to remain in the waters of Merrymeeting bay, as described above, between 1 hour after legal shooting time and 1 hour before legal shooting time.

No 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 shall conform to the regulations issued by the United States Fish and Wildlife Service. (R. S. c. 33, 1945, c. 256; c. 374, § 2, 1953, c. 394, § 48.)

For case concerning use of boat under former wording of section, see *State v. Plant*, 130 Me. 261, 155 A. 35.

Hunting of Moose, Caribou, Deer and Other Wild Animals. Use of Airplane Prohibited. Crop and Orchard Damage. Motor Vehicle Damage. Illegal Devices for Hunters and Fishermen. Dogs May Be Killed. Transportation and Sale of Deer. Transportation of Fish, Game and Fur-bearing Animals. Registration Stations for Bear Killed. Closed Season on Rabbits, Etc.

Sec. 90. Hunting of moose and caribou.—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 or moose, or parts thereof, for the purpose of consumption or for mounting, but not for sale. Such permit authorizing the importation of caribou or moose, or parts thereof, shall set forth the inclusive dates when such possession shall be legal.

Possession of caribou or 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. (R. S. c. 33, 1945, c. 374, § 2, 1953, c. 394, § 49.)

The object of this section is to prevent the decimation of game. *State v. Bucknam*, 88 Me. 385, 34 A. 170.

Purpose of second paragraph of section.—The last paragraph of this section was intended to aid in the enforcement of the section, by making the possession evidence

of illegal capture, and compel the person charged to explain his possession of what would directly point to an illegal taking of the game. In other words, compel him to have or handle game illegally taken or killed, by any person, at his peril. Game illegally taken or killed subjects the pos-

essor of it to the penalty for its illegal taking, just as if he had illegally taken it himself. *State v. Bucknam*, 88 Me. 385, 34 A. 170.

Section constitutional. — The constitutionality of acts applicable to imported game, similar to this section, is beyond question. *Woods v. Perkins*, 119 Me. 257, 110 A. 633.

History of section.—See *Woods v. Perkins*, 119 Me. 257, 110 A. 633.

Cases under former statute.—For cases arising under this section as it formerly read as regards possession of caribou and moose, see *Allen v. Leighton*, 87 Me. 206, 32 A. 877; *State v. Lynch*, 89 Me. 209, 36 A. 69.

Quoted in part in *Bennett v. American Express Co.*, 83 Me. 236, 22 A. 159.

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 91. Closed time on deer in certain counties.—There shall be an annual open season on deer during the month of November in each calendar year in the counties of Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Waldo, Washington and York. All the rest of the calendar year before and after the open season shall be a closed season on deer.

There shall be an open season on deer in each calendar year beginning the 21st day of October and ending the 30th day of November, both dates inclusive, in the counties of Aroostook, Penobscot, Somerset, Piscataquis and Franklin. All of the rest of the calendar year, either before or after the open season, shall be a closed season on deer in these counties.

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 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 in game sanctuaries which have been established by law where the closed season shall be perpetual.

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

There shall be a continual closed season on deer in the town of Islesboro, located in the county of Waldo, until July 1st, 1959.

There shall be a continual closed season on deer on the whole of Cranberry Isles, Hancock county, until July 1, 1955.

There shall be a continual closed season on deer on the whole of Long Island in Long Island plantation, located in the county of Hancock, until November 1, 1956.

There shall be a continual closed season on deer in the town of Vinalhaven, Knox county, and the islands within the confines of the town of Vinalhaven, until July 1, 1957.

During the closed seasons, except as hereinafter provided, it shall be unlawful to hunt any deer or have in possession any part thereof; and except as hereinafter provided, no person shall have in possession more than 1 deer or part thereof during any open season.

A person lawfully killing a deer during the open season may have the same in his possession during a closed season provided the deer has been properly registered in accordance with the provisions of section 100.

Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than \$100 which shall not be suspended. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 343. 1949, cc. 204, 236, 252. 1951, cc. 12, 36, 107, 194. 1953, c. 125; c. 394, §§ 50, 51.)

Case under former statute.—For cases concerning killing of deer out of season under former statute, see *State v. Parker*, 89 Me. 81, 35 A. 1021.

Cited in *Woods v. Perkins*, 119 Me. 257, 110 A. 633; *State v. Artus*, 141 Me. 347, 43 A. (2d) 924; *State v. Morton*, 142 Me. 254, 49 A. (2d) 907.

Sec. 92. Horning or driving deer.—It shall be unlawful to drive deer by use of horns, whistles or other noisemaking devices. It shall be unlawful for more than 8 persons to participate in a joint hunt for deer, wherein an effort is made to drive deer. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 164; c. 394, § 52.)

Sec. 93. Use of airplane in driving wild birds or animals.—No person shall use an airplane in driving or molesting any wild birds or animals.

Any person convicted of violating any provision of this section shall be punished by a fine of not less than \$50, nor more than \$300. (1947, c. 160.)

Sec. 94. Crop and orchard damage.—

I. Any person may take or kill deer, night or day, on land owned or occupied by him, where substantial damage is being done by deer to a fruit tree or a crop, including legumes, except grass; and he may authorize a member of his family or a person employed by him to take such deer. A person by whom, or under whose direction, such deer is wounded or killed shall within 12 hours report all the facts relative to such act to a fish and game warden. Such report shall state the time and place of such wounding or killing. A person who kills such deer shall immediately properly dress the carcass or carcasses and care for the meat. The fish and game warden shall immediately investigate the case and if he is satisfied that the deer was taken as herein provided, he shall give the person a certificate of his finding in the matter. Such certificate shall entitle such person to the ownership of the carcass or carcasses. (1945, c. 316, § 1.)

Stated in *State v. Artus*, 141 Me. 347,

43 A. (2d) 924.

II. The cultivator of any orchard or growing crop, including legumes, except grass, or the owner, mortgagee or keeper of said crops or orchard may kill deer or other protected wild animals, except beaver or birds, night or day, doing damage as provided in subsection I. Said cultivator, owner, mortgagee or keeper shall within 12 hours make the report as provided in subsection I and shall dress the carcass or carcasses and care for the meat as provided in said subsection I. The fish and game warden shall immediately investigate the case and, if he is satisfied that the deer was taken as herein provided, he shall give said cultivator, owner, mortgagee or keeper a certificate of his finding in the matter. Said certificate shall entitle said cultivator, owner, mortgagee or keeper to the ownership of the carcass or carcasses. (1951, c. 342)

Stated in *State v. Artus*, 141 Me. 347,

43 A. (2d) 924.

III. It shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto.

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

V. Whenever deer are doing damage to orchards and crops, including legumes, except grass, the department shall furnish to the owner or agent of such orchards and crops suitable repellents without cost to such owner or agent; and the commissioner may follow such other good conservation practice as will alleviate such damage. No claims for crop or orchard damage by deer or other protected animals or birds shall be paid by the state from any source or fund. (1951, c. 342)

VI. Whenever the commissioner deems it impossible to keep deer from doing

damage to young orchards, he may enter into an agreement with the owner of such orchard whereby the department will assume $\frac{1}{2}$ the cost of fencing such orchard. [1945, c. 316, § 2. 1951, c. 342]. (R. S. c. 33. 1945, c. 316, §§ 1, 2; c. 374, § 2. 1949, c. 397. 1951, c. 342.)

Sec. 95. No payments for motor vehicle damage.—No claim for damages to motor vehicles by a protected wild animal or wild bird shall be paid by the state. (1949, cc. 108, 425. 1951, c. 314.)

Sec. 96. Disposal of wild animals.—The resident owner or driver of every motor vehicle which has been damaged by a protected wild animal or bird shall, within 24 hours thereafter, report the accident to a fish and game warden. The warden shall investigate and, if he finds the damage has been done as alleged, he shall give a certificate to such person entitling such person to the ownership of the carcass. (1953, c. 145.)

Sec. 97. Use of dogs, lights, snares, traps, etc.—It shall be unlawful to use a dog for the hunting of deer, caribou or moose. It shall be unlawful to use an artificial light, snare, trap, swivel, pivot or set gun for the hunting and killing of any deer, caribou or moose.

Nothing in this section shall be construed as affecting or restricting the legitimate possession and sale of flashlights. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 53.)

Sec. 98. Dogs killed for hunting moose, caribou, deer or elk, or worrying domestic animals.—It is unlawful for any dog to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk or any other wild animal in closed season and no person shall permit any dog owned by him to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk at any time or any other wild animal in closed season.

Any officer may kill any dog which he finds hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk at any time or any other wild animal in closed season or worrying, wounding or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper.

Any person having evidence of any dog hunting, chasing, killing, wounding or pursuing moose, caribou, deer or elk at any time or any other wild animal in closed season may present said evidence to the commissioner or any game warden who shall give notice in writing to the owner or keeper of said dog stating the acts committed by said dog. The owner or keeper of any dog so notified shall not permit any dog mentioned in said notice to leave the immediate control of said owner or keeper under the penalty as provided in section 139. After the owner of the dog has received written notice that his dog has committed any act prohibited by this section, it shall be lawful for anyone to kill the dog when found committing any of the acts prohibited herein.

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

Any person having any evidence of any dog hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for the purpose, or of any dog wounding, killing or attacking any domestic animal or fowl, or any fur-bearing animals legally in captivity, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge of any municipal court, which said trial justice or judge shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing

the evidence in said case said court may order said dog killed by any officer. The costs of prosecution shall be paid by the owner or keeper of said dog.

Any person may lawfully kill a dog which assaults him or another person. (R. S. c. 33, 1945, c. 374, § 2, 1953, c. 394, § 54.)

Sec. 99. Deer not transported beyond limits of state.—No person shall sell or give away any deer or part thereof to be transported or carried beyond the limits of this state nor shall any person buy or accept as a gift any deer or part thereof for its transportation; nor shall any resident of this state at any time carry or transport in any manner or attempt to carry or transport in any manner beyond the limits of this state any deer or part thereof; provided, however, that any resident of this state may purchase a license which will entitle him to transport or cause to be transported a deer legally killed by him within this state to a place beyond the limits of this state, and the fee for this license shall be \$20.25.

Twenty-five cents of this fee shall be retained by the clerk or other agent of the commissioner issuing such license. The commissioner is authorized to provide for such suitable tags as he may deem necessary to mark such deer.

Any tag or other marker issued under the provisions of this section shall be in lieu of that provided for by section 103. (R. S. c. 33, 1945, c. 374, § 2, 1947, c. 350.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 100. Transportation of deer within state.—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 agents 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.

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

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

No person shall have in possession at any time any parts of a deer which has not been legally registered as provided in this section. It shall be lawful for the owner of any legally registered deer to give away not to exceed ½ of

said deer. No person shall have in possession any part or parts of a deer given to him unless each separate part is plainly labeled with the name and address of the person who registered the deer and the name and address of the person to whom it was given and if said part be transported by any 3rd party that the name and address of the party transporting the same be affixed thereto. The provisions of this paragraph shall not apply to any deer or parts of deer being transported by a common carrier, a railroad company, express company, boat or other transportation company in accordance with other provisions of this chapter. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 159. 1953, c. 394, § 55.)

The requirements of this section are cumulative. The transportation of deer or parts is lawful only when all are met. Failure to comply with any one or more or all of them constitutes the offense made punishable by the section. State v. Artus, 141 Me. 347, 43 A. (2d) 924.

And failure to accompany deer is violation of section.—That persons who killed the deer did not accompany it or parts thereof while being transported is sufficient to show a violation of this section. State v. Artus, 141 Me. 347, 43 A. (2d) 924.

Knowledge of contents of load essential to conviction.—In a prosecution against the driver of a truck for violation of this section, knowledge on his part that the load included deer or parts thereof is essential to conviction. There can be no intent to transport on the part of a driver who has no knowledge of the contents of his load. State v. Artus, 141 Me. 347, 43 A. (2d) 924.

The word "part" as used in this section

Sec. 101. 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 123 and to any dealer as provided in section 124. 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 56.)

Sale not proved by facts consistent with bailment or agency.—Facts which are as consistent with a bailment or agency as with a sale do not prove an unlawful sale

does not include a skin being carried from one having the right to dispose of it to another licensed to buy it. State v. Artus, 141 Me. 347, 43 A. (2d) 924.

Possession of a part of a deer that has no tag on that part is not prima facie proof of guilt of violating this section, and does not put the burden on the accused of showing his innocence. State v. Morton, 142 Me. 254, 49 A. (2d) 907.

Complaint held to charge but one offense.—A complaint charging that the defendant "did have in his possession parts of a deer, which said deer had not been registered" charged but one offense, that of having in his possession parts of an unregistered deer, and not that of having unregistered parts. State v. Morton, 142 Me. 254, 49 A. (2d) 907.

Evidence insufficient to show illegal possession of parts of deer.—See State v. Morton, 142 Me. 254, 49 A. (2d) 907.

History of section.—See State v. Artus, 141 Me. 347, 43 A. (2d) 924.

under this section. State v. Artus, 141 Me. 347, 43 A. (2d) 924.

Applied in State v. Carey, 136 Me. 47, 1 A. (2d) 341.

Sec. 102. Deer transported without owner accompanying it, provided he uses certain tags.—Any citizen of the state who has lawfully killed a deer may send the same to his home in his own name or to any hospital in the state without accompanying the same, by purchasing from an agent appointed therefor by the commissioner a tag, paying therefor \$2, and said tag shall be attached to the deer, or part thereof, being transported.

The commissioner may appoint agents to sell these tags.

All deer killed shall be presented for registration at the first game registration station on the route taken by the person who killed the same and shall be registered in his name. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 103. Transportation of deer by nonresidents.—The holder of a nonresident 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 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. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 102. 1953, c. 394, § 57.)

Sec. 104. Transportation of game.—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.

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

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

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

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

The hunting license of any nonresident shall entitle him to have game, which he has legally killed, transported to his home without further fee to the state. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 60.)

Sec. 105. Fish, game and fur-bearing animals; transportation of, by aircraft.—No person shall transport, attempt to transport or offer for transportation by aircraft any fish, game or fur-bearing animals, or parts thereof, unless such fish, game or fur-bearing animals, or parts thereof, shall bear a transportation tag issued by the commissioner, stating that the same may be so transported and bearing the signature of the pilot of the aircraft in which transported. The pilot of any aircraft, other than those of regular transport lines, shall procure from the commissioner a permit to transport any such fish, game, fur-bearing animals, or parts thereof, by air, together with a supply of tags with directions for using the same and shall tag all fish, game and fur-bearing animals transported by him as directed by the commissioner.

Whoever shall transport, attempt to transport or offer for transportation by aircraft any fish, game or fur-bearing animals shall, as a condition of transporting such fish, game or fur-bearing animals, have such fish, game or fur-bearing

animals open to view to the pilot whenever the pilot may request that such fish, game or fur-bearing animals be subject to inspection by him.

Whoever violates any provision of this section shall be punished as set forth in section 139 and in addition thereto all licenses or permits issued by the department may be revoked for 1 year. Any certified aircraft pilot as provided for in chapter 24, who shall be found guilty of transporting fish, game or fur-bearing animals when such fish, game or fur-bearing animals shall not bear a transportation tag as provided for in this section or who shall be found guilty of transporting fish, game or fur-bearing animals illegally in possession, shall have his pilot's certificate suspended by the aeronautics commission for not less than 1 year nor more than 2 years. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 162. 1951, c. 284.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 106. Closed time on wild hares and rabbits; transportation of.—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.

During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 rabbits taken, shot or killed in any 1 day and not more than 8 rabbits so shot or killed in possession at any 1 time, except that in Somerset county it shall be unlawful for any person to shoot, take, kill or have in possession at any 1 time more than 2 rabbits.

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 or corporation to transport or offer for transportation at any time any wild hares or rabbits destined beyond the limits of the state.

The provisions of this section shall not be construed to prohibit the holder of a nonresident hunting license from transporting to his home dead wild hares or rabbits which he has legally killed by virtue of his said nonresident hunting license.

It shall be unlawful for any person to have in possession or transport at any time any wild hares or rabbits taken during the closed season or by any method or with any device prohibited by this section.

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

The provisions of this section shall not apply to the propagation of wild hares or rabbits on islands surrounded by open salt water all year. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 398. 1951, c. 354. 1953, c. 26, § 2; c. 394, § 61.)

Sec. 107. Closed time on gray squirrels.—There shall be a closed season on gray squirrels during every calendar month of the year except the month of October. No person shall kill or have in possession more than 4 gray squirrels at any 1 time during the open season.

There shall be a perpetual closed season on gray squirrels within the limits of lands dedicated as public or private parks and within the limits of compact or built up portions of any city or town. (R. S. c. 33. 1945, c. 374, § 2.)

Hunting with Bow and Arrow.

Sec. 108. Open season.—There shall be an annual open season on deer in all counties of the state, except that portion of Piscataquis county south of the main line of the Canadian Pacific railway and all of Waldo county, beginning on the 1st Monday of October for a period of 15 days including such 1st Monday, for the purpose of hunting deer with bow and arrow only. (1951, c. 350. 1953, c. 172, § 1; c. 383, §§ 1, 2.)

Sec. 109. License; tags.—An archery license shall be issued by the commissioner to take deer under the provisions of sections 108 to 112, inclusive, the fee for which shall be \$4.25 for hunting deer by residents of this state and \$10.25 for hunting deer by nonresidents; except that such archery licenses shall also permit the hunting of such wild birds and animals which can be legally hunted beginning on the 1st Monday in October for a period of 15 days, including such 1st Monday. Archery deer tags shall be issued for use in the same manner as regular deer tags. If a person does take a deer with bow and arrow during the special season provided in section 108, he is precluded from further hunting for deer during that year. If a person does not take a deer with a bow and arrow during the special season provided in section 108, he is not precluded from obtaining a hunting license for the regular open season. (1951, c. 350. 1953, c. 172, § 2.)

Sec. 110. Equipment.—Deer may be taken under the provisions of sections 108 to 112, inclusive, only by means of long bow with a minimum pull of 40 pounds and broad head arrow. The arrow head shall be not more than $2\frac{1}{2}$ inches in length and not less than $\frac{7}{8}$ inch in width. No person shall use arrows with either poisonous or explosive tips. No person shall carry firearms of any kind while hunting with bow and arrow. No bow shall be strung while carried in any vehicle. No deer shall be shot from a raised platform or standing tree. (1951, c. 350. 1953, c. 172, § 3.)

Sec. 111. Application.—Except as provided in sections 108 to 112, inclusive, the provisions of this chapter relating to deer shall be applicable to the taking of deer with bow and arrow. (1951, c. 350.)

Sec. 112. Registration.—All deer killed under the provisions of sections 108 to 112, inclusive, shall be inspected by a warden before being registered under the provisions of section 100. If the warden finds the deer to have been legally killed by bow and arrow he shall approve the deer for registration. If it appears to the warden that the deer was not legally killed with bow and arrow he shall seize the deer and prosecute the offender. (1951, c. 350.)

Trapping Season. Training of Dogs. Field Trials. Closed Season on Beaver. Digging Out Foxes. Bounty on Certain Animals.

Sec. 113. Trapping season.—Except as provided in this chapter, there shall be a perpetual closed season on hunting or trapping any wild animal.

Fur-bearing animals taken during any open season shall not be kept alive into or during closed season periods except in accordance with the provisions of section 15.

Cross reference.—See § 139, re penalty as to beavers.

History of section.—See State v. Jalbert, 139 Me. 333, 30 A. (2d) 799.

I. The commissioner may declare an open season on muskrats that are polluting water supplies or damaging property if the owner makes a written complaint thereof to the commissioner.

No muskrats shall be hunted or trapped in Lake Alamoosook and Dead river and its tributaries in the town of Orland situated in Hancock county.

Muskrats shall not be taken by the use of wire nets, box traps or any trap other than the ordinary steel trap.

The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Washington and York counties shall be only from March 20th to April 20th, inclusive, in each year.

The open season on otter shall be during the month of November and from January 1 to February 7, inclusive, of each year.

There shall be no open season on fisher and sable.

The open season on all other wild or fur-bearing animals, excepting bobcats, loupervier, Canada lynx and beaver, shall be from November 1 of each calendar year to February 15th in the next following year. (1947, c. 346, §§ 1, 2. 1949, c. 243, §§ 1, 2; c. 381, §§ 1, 2, 3. 1951, c. 53; c. 210, §§ 1, 2; c. 382. 1953, c. 303; c. 394, §§ 62, 63)

The provision is definite that hunting or trapping mink is forbidden except during the month of November. State v. Jalbert, 139 Me. 333, 30 A. (2d) 799.

Except during November, it is not only unlawful to take mink, but to undertake to take them by any means, on fair construction, and by express legislative mandate, through trapping. State v. Jalbert, 139 Me. 333, 30 A. (2d) 799.

How mink may be taken.—During the

month of November annually, when there is an open season on mink, such animals may not only be taken, but they may be sought by any means which comes within the common meaning of any of the words descriptive of what is forbidden in a closed season. State v. Jalbert, 139 Me. 333, 30 A. (2d) 799.

Complaint sufficient to charge trapping mink during closed season.—See State v. Jalbert, 139 Me. 333, 30 A. (2d) 799.

II. It shall be unlawful for any person to set or place a trap within 25 feet of a muskrat den or house at any time, or to molest or destroy the muskrat house or den. No person shall make any advance preparation on the trapping grounds for the taking of beaver or muskrat previous to the open season on these animals.

III. It shall be lawful to trap bear, hedgehogs or bobcats at any time anywhere in the state, and it shall be lawful to hunt bear, hedgehogs or bobcats at any time anywhere in the state except during Sundays and in the nighttime.

IV. It shall be unlawful for any person to hunt skunks and raccoons at night, except that they may be hunted at night from October 15th to December 15th of each year under the following provisions: when accompanied by a dog and with the use of a kerosene light; provided that an electric flashlight of not more than 3 cells may be used in addition to a kerosene light while locating in and taking from a tree any raccoon treed by a dog; provided further, it shall be unlawful to use or have in possession any firearm except a 22 caliber pistol while hunting as hereby provided. (1949, c. 165)

V. Any person may lawfully kill any wild animal, excepting beaver, or any wild bird found in the act of destroying that person's property.

VI. All of the rest of the calendar year which is not specifically opened to trapping shall be deemed to be a closed season.

VII. It shall be lawful to hunt and kill raccoons on the islands of North Haven and Vinalhaven, in the county of Knox, at any time except on Sunday and at night. Night shall be the period from ½ hour after sunset until ½ hour before sunrise of the following morning; except that it shall be lawful to hunt raccoons during the open season as provided in subsection IV. [1947, c. 38]. (R. S. c. 33. 1945, c. 354; c. 374, § 2. 1947, cc. 38, 264; c. 346, §§ 1, 2. 1949, c. 165; c. 243, §§ 1, 2; c. 381, §§ 1, 2, 3, 4. 1951, cc. 53, 126; c. 210, §§ 1, 2; c. 382. 1953, c. 303; c. 394, §§ 62, 63, 64.)

Sec. 114. Game laws on raccoons 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 98 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. (1949, c. 209. 1953, c. 394, § 65.)

Sec. 115. Training of dogs.—Except as provided in section 116, it shall be lawful to train dogs on foxes, raccoons and rabbits from September 1st to the following October 15th, inclusive, in each calendar year, providing the dogs are under the personal supervision of the owner or trainer at all times. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 139, § 1.)

Stated in *State v. Jalbert*, 139 Me. 333, 30 A. (2d) 799.

Sec. 116. Special dog training areas.—Upon application of any club or organization having 25 or more members who are citizens who have been residents of the state for at least 6 months immediately prior to making application, and the payment of a fee of \$10, the department may issue a license authorizing the establishment and maintenance by such club or organization on land owned by them, or over which they have legal control, of a special dog training area wherein and whereon dogs may be trained at any time during the year. No such dog training area shall be of less than 100 acres, nor of more than 400 acres, nor shall licenses be issued for more than 2 special dog training areas in any 1 county.

The department may from time to time during each year stock pieces of game and shall charge the licensees a reasonable price therefor. Nothing herein shall be construed as authorizing licensees to liberate on such area any wild bird or quadruped coming from without the state. The licensees may at any time during the year train their own dogs or the dogs of other persons on such area. Any person not a licensee may do likewise by making application in writing to licensee and receiving a permit to do so, for which a charge of not to exceed \$1.10 may be made, of which amount \$1 shall be paid to the commissioner. Failure of a licensee to make reasonable provision for the use of such area by persons not licensees shall be deemed sufficient grounds for the department to deny a renewal of license. No person shall hunt on a licensed dog training area except the owner of the lands who may hunt unprotected birds and animals only. The department may make rules regulating the use of such areas.

The boundary line of such special dog training area shall be plainly and conspicuously posted prior to October 1st of each year with legible notices at least 11 inches square, placed not more than 100 yards apart which shall bear the following warning:

“SPECIAL DOG TRAINING FIELD TRIAL AREA—HUNTING AND TRAPPING IS UNLAWFUL. This land is set aside under special license for the training of dogs and the holding of field trials. Entering hereon for the purpose of hunting or permitting dogs to enter without proper authorization is prohibited. (Name and address of licensee to be printed on notice.)”

The licensees may hold field trials at any time on such area or permit in writing others to hold such trials thereon under such conditions as shall be mutually agreed upon.

No person shall train a dog, hold a field trial, enter accompanied by a dog or permit a dog of which he is the owner or trainer to enter upon an area licensed and posted as provided in this section, except as provided herein. (1951, c. 139, § 2.)

Sec. 117. Field trials for bird dogs or coon dogs.—It shall be lawful to hold bird dog or coon dog field trials at any time. During the field trials

permitted in this section, no person shall use any firearm other than a pistol loaded with blank ammunition. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 45.)

Sec. 118. Training and field trials for beagles and other rabbit hounds.—It shall be lawful to train and hold field trials for beagles and other rabbit hounds between September 1st and April 10th, both days inclusive. During the training and field trials permitted in this section, no person shall use any firearm, other than a pistol loaded with blank ammunition, except during open season for hunting. (1949, c. 395. 1953, c. 394, § 45.)

Sec. 119. Special open season on beaver; taking or transportation.—There shall be a perpetual closed season on beaver except as provided in this section.

The commissioner may declare an open season for trapping beaver from January 1 to February 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.

Before said open season for beaver shall take effect, the commissioner shall cause a notice of such proposed open season to be published once in a newspaper printed in the county in which the land is located, and said commissioner shall also file a copy of said notice of open season with the clerk of the town or plantation in which said land is located.

The commissioner may suspend or close the so-called open season whenever it shall appear to him that there is no likelihood of further damage from beaver in that locality.

During such open season, beaver may be trapped without the consent of the landowner, 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.

No person shall take beaver anywhere in the state at any time except during such open season as may be declared by the commissioner in accordance with the provisions of this section. It shall also be unlawful for any person to have in possession at any time any beaver, or part thereof, except as expressly permitted by this section. It shall also be unlawful for any person, firm or corporation, to sell, give away, buy, accept as a gift, offer for transportation or transport, any beaver skin or beaver skins unless each skin is tagged and marked as directed by the commissioner.

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.

In case said beaver skins are libeled under the provisions of this chapter, and the libel is, for any reason, quashed or ruling thereon is against the state, or in case any complaint or indictment involving said skins results in a verdict for the defendant, said skins shall on request and payment of the \$2 fee be immediately tagged, marked and delivered to the person entitled to possession of the same.

All beaver skins shall be presented for tagging and marking within 10 days from the closing of the so-called open season. All beaver which are not tagged and marked in accordance with the provisions of this section shall be seized and confiscated by the wardens.

Any beaver skin or beaver skins that come into this state in any manner from any other state or country shall have the official stamp, tag or seal of the state or country from which said skin or skins were taken.

No person, except as hereinbefore provided, shall molest or destroy any beaver dam. No person shall molest or destroy any beaver house or set any trap within 25 feet of the same. No person shall set or tend any trap within 10 feet of any beaver dam. A beaver dam is defined as a dam that actually maintains water for a live colony of beaver. (R. S. c. 33. 1945, c. 374, § 2. 1947, cc. 151, 280, 312, 335. 1949, c. 206. 1951, cc. 193, 251. 1953, c. 394, §§ 67, 68, 69.)

See § 139, re penalty.

Sec. 120. Digging out foxes.— It shall be lawful to dig out foxes at any time and to hunt foxes at any time, except Sunday and in the nighttime, 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. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 70.)

Sec. 121. 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 for 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 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....

.....
(P. O. Address of Claimant)

..... 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
.....
Game Warden

DEPARTMENT OF INLAND FISHERIES AND GAME

Augusta, Maine, 19....

I hereby certify that I have received from, Claimant, the tail of the bobcat, loupcevrier 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, loupcevrier or Canada lynx from the claimant sent as aforesaid, said controller shall audit the claim for bounty and the same shall be paid forthwith by the treasurer of state to the claimant from fines and penalties recovered and money received or collected under any provision of the inland fish and game laws or amendments thereof, or for sale of any seized or confiscated articles. After the foregoing appropriation has been exhausted, any further bounties shall be paid from the general appropriation of the department of inland fisheries and game and, if said appropriation is not exhausted, any balance thereof shall revert to the general fund of the department of inland fisheries and game. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 71.)

Sec. 122. Bounty on bears.—For a period of 2 years, from August 13, 1953, except in Franklin county, a bounty of \$15 shall be paid for each and every bear killed in organized townships and plantations and unorganized townships adjoining organized townships and plantations to the person killing the same, by the treasurer of the organized township or plantation in which said bear was killed or the treasurer of any organized township or plantation adjoining the unorganized territory in which said bear was killed. These bounties shall be paid by such treasurers.

No bounty shall be paid unless claimant within 72 hours after he has killed such animal exhibits to the town treasurer the entire skin thereof or the entire animal for the killing of which such bounty is claimed, and signs a certificate under oath, which said treasurer may administer, stating that he killed such animal and the time and place within the state. Such certificate must be approved by and bear the signature of the fish and game warden or warden supervisor in whose district the animal was killed stating that he believes the bear to have been killed at the time and place stated therein. The skin of all bears on which bounty is claimed must be 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. The town treasurer shall then pay the bounty and take the claimant's receipt therefor upon the same paper with such certificates and the town treasurer shall make upon the same paper, at the time of his monthly report, a certificate under oath addressed to the commissioner, that all the requirements of law have been met by the claimant and that the bounty has been paid to him.

The certificate shall be in the following form:

Claimant's Certificate

To the Treasurer of the Town of
I hereby certify that on the day of A. D., 19....

at in the State of Maine, I killed the bear, the skin of which I now exhibit to you, and I claim the bounty allowed by law for killing the same.

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

..... Claimant

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

I believe that the bear was killed at the time and place stated herein.
This day of

.....
Game Warden

Bear Tag Number

Claimant's Receipt

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

..... Claimant

Town Treasurer's Certificate

To the Commissioner of Inland Fisheries and Game:

I hereby certify that as required by law of on the day of A. D., 19...., at exhibited to me the whole of the skin of a bear, which I found to have been stamped and sealed by a warden, and then paid the said bounty, for which I have taken his receipt as above.

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

.....
Treasurer of

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

Justice of the Peace

The bounty so paid by the town treasurer shall be reimbursed by the state out of the fees for licenses for dogs upon presentation of the claim as hereinbefore set forth and any expense incurred by the department incident to the enforcement of this section shall also be taken from the fees for licenses for dogs, and so much of the fees received for dog licenses as may be necessary to pay said bounties, and any expenses incident thereto, is appropriated to pay the same. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 342. 1949, c. 181. 1951, c. 365. 1953, c. 394, § 72; c. 406, § 1.)

Licensing of Taxidermists and Dealers in Deer Skins and Heads, and Dealers in Furs.

Sec. 123. Licenses for taxidermists.—The commissioner may, upon application, license as a taxidermist anyone who is skilled in that art and of good reputation; residents of this state shall pay an annual fee of \$5, except that unnaturalized, foreign-born residents shall pay an annual fee of \$25, for such license; taxidermists licensed as aforesaid may at all times have in their possession, at their places of business, fish and game lawfully caught in open season for the sole purpose of preparing and mounting the same; and such fish and game, or parts thereof, may be transported to such licensee and retained by him for the purposes aforesaid, under such rules and limitations as may be made by said commissioner. Such licenses may be revoked by said commissioner at any time after notice and an opportunity for a hearing; each person so licensed shall, on or before the 31st day of December each year, make a detailed report to said commissioner of all they have done during the year by virtue of such license. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 73.)

Cited in State v. Cote, 122 Me. 450, 120 A. 538; State v. Artus, 141 Me. 347, 43 A. (2d) 924.

Sec. 124. Licenses for dealers in deer skins and heads.—The commissioner may annually issue licenses to residents of this state to buy and sell deer skins, and the heads of deer if not detached from said skins, during the months of January, February, March, October, November and December, and the time may be extended by the commissioner upon written application, and the extension shall also be in writing signed by the commissioner. Provided, however, that deer heads so purchased may, when detached from the skins, be sold to licensed taxidermists. Such licensee shall keep a true and complete record which shall be open to inspection by the commissioner or his agent, of all such heads and skins purchased, the name and residence of whom purchased and the date of each purchase, and shall send such record annually, under oath, to the commissioner on or before the 31st day of December of each year. The fee for such license shall be \$25, to be paid to the said commissioner. All deer skins and deer heads purchased by virtue of this section shall be transported only under such rules as shall be made by said commissioner. No person shall buy any skins or heads of deer without being licensed as herein provided, or no licensee as aforesaid shall neglect to keep the record and forward the same to said commissioner as herein provided, nor refuse to exhibit said record upon request to the commissioner or his agent. For any violation of the provisions of this section the commissioner may as an additional penalty revoke said license. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 41.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Sec. 125. Licenses for dealers in furs.—The commissioner may annually issue licenses to citizens of the United States to engage in the business of buying the skins of any fur-bearing animals. Each licensee shall keep a complete record which shall be open to inspection at all times by the commissioner or his agent, of all skins purchased, as aforesaid, in such book as is furnished him by said commissioner, and shall send each record, under oath, to said commissioner on or before the 31st day of December of each year. The fee for the license shall be \$25 for residents of this state and \$150 for nonresidents, to be paid to the said commissioner. Whoever buys any skins of any fur-bearing animals without being licensed as herein provided, or whoever, licensed as aforesaid, neglects to keep the record and forward same to said commissioner as herein provided, or whoever refuses to exhibit said book for inspection by said commissioner or his agent, shall be subject to the penalties of section 139. All skins of fur-bearing animals bought in violation of any provisions of this section shall be forfeit and contraband and shall be seized by any person authorized to enforce the inland fish and game laws, and upon conviction of the person or persons from whom they were seized they shall be sold, and the proceeds from such sale paid to the treasurer of state. All persons aiding or assisting another in buying, sorting or grading the skins of fur-bearing animals shall be considered as engaged in the business of buying the skins of fur-bearing animals and must procure a license therefor. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 279. 1953, c. 394, § 74.)

Cited in *State v. Artus*, 141 Me. 347, 43 A. (2d) 924.

Search and Seizure of Game.

Sec. 126. Seizure and disposition of game and equipment for violation of law.—All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of the provisions of this chapter, or equipment possessed in violation of the provisions of this chapter, shall be contraband and shall be forfeited to the state. In all cases where a warden may find birds, fish or animals, or parts thereof, or equipment possessed in violation of the provisions of this chapter he may seize the same without a warrant and keep them for a reasonable time. The officer who

made such seizure may within reasonable time file with a magistrate a libel against such birds, fish or animals, or parts thereof, or any equipment possessed in violation of the provisions of this chapter, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof, setting forth their seizure by him, describing such birds, fish or animals, or parts thereof, or equipment and that they were hunted, taken, caught, killed or had in possession in violation of the provisions of this chapter, and pray for a decree of forfeiture thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed and show cause why said birds, fish or animals, or parts thereof, or equipment possessed should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous places in the town or place where such birds, fish or animals, or parts thereof, or equipment possessed were seized, or in such place or places as is ordered by the magistrate, 10 days at least before the day to which said libel is returnable. Copies shall be served on common carriers.

In case the magistrate finds that the birds, fish or animals, or any parts thereof, seized will be unsuitable for food, or other use, at the day to which said libel is returnable, he shall order the officer making the seizure to dispose of the same; and the officer disposing of the same shall, in case of sale, hold the proceeds of said sale subject to order of the court for decision as to the right of the claimant, if any appear, to said birds, fish or animals, or parts thereof. If the magistrate finds the claimant, if any appear, is not entitled to said birds, fish or animals, or parts thereof, the officer making such seizure shall turn over to the magistrate the proceeds of such sale, and such magistrate shall forward the proceeds thereof to the commissioner in the same manner as is provided by section 129.

If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the state. If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it must declare that they were not had in possession in violation of the provisions of this chapter, with his knowledge or consent, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the magistrate is, upon the hearing, satisfied that said birds, fish or animals, or parts thereof, or any equipment possessed were not had in possession in violation of the provisions of this chapter, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said articles so seized, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said articles forfeited to the state. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

The forms herein set forth, with such changes as adapt them for use in cities, towns and plantations, are sufficient in law for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for libel shall be 50¢; for entering the same, 30¢; for trying the same, \$1; for a monition, 50¢; for posting notices and return, \$1; order to re-

store or deliver, 25¢; executing the order, 50¢; and 10¢ per mile for all necessary travel.

FORM OF LIBEL
STATE OF MAINE

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

The libel of, of
shows that he has seized certain birds, fish or animals, or parts thereof, or
equipment possessed in violation of the provisions of chapter 37, of the revised
statutes, as revised, described as follows:

.....
because the same were hunted, taken, caught, killed or had in possession in viola-
tion of the provisions of this chapter, as follows:

.....
which said articles were possessed at in said county of
..... Wherefore he prays for decree of forfeiture of said
articles, according to the provisions of law in such case made and provided.

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

(Signed)
Inland Fish and Game Warden

FORM OF MONITION AND NOTICE
STATE OF MAINE

L. S.
County of, ss.

To all persons interested in
.....
.....

The libel of hereunto annexed, this day
filed with me, esquire, a trial justice, judge or
recorder of a municipal court, in and for said county, shows that he has seized
said articles because.....

.....
and prays for a decree of forfeiture of the same according to the provisions of
law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before me,
the said justice, judge or recorder, at
in said county, on the day of A. D. 19.. at
.... o'clock in the noon and then and there show cause
why said articles should not be forfeited, and that notice hereof be given to all
persons interested by causing a true and attested copy of this libel and monition
to be posted in and two conspicuous
places in the town of at least ten days before the return
day hereof.

Witness:, esquire
on the day of 19...

.....
Trial Justice, Judge or Recorder

A true copy. Attest:
.....
Inland Fish and Game Warden

STATE OF MAINE

..... ss. A. D. 19..
I have this day made service of the within libel and monition, by posting up
true and attested copies of the same, in two conspicuous places to wit: one
..... and one in
Posting notice \$1.00

.....
Inland Fish and Game Warden

Travel miles
Total \$

STATE OF MAINE

(L. S.)

..... ss.
To one of the
..... of the

WHEREAS it appears that due notice was given to all parties interested in
the birds, fish, game, wild or fur-bearing animals, or parts thereof, or
equipment described in the within libel of
to appear before, esquire, a trial justice, judge
of the municipal court, within and for the county of
at in on the
day of A. D. 19... at o'clock in
the noon, and show cause why said
should not be declared forfeited. And no person appearing to claim the same,
said are declared forfeited.

And of did appear and
claim said and after
hearing all the evidence I order said returned
to said claimant. The same are declared forfeited and you are hereby ordered
to turn the same over to the Commissioner of Inland Fisheries and Game.

Witness,, esquire, said trial justice, judge of
the municipal court of the county of this
day of A. D. 19...

..... Trial Justice
Judge of Municipal Court

..... ss. A. D.

Pursuant to the above order to me directed, I have turned over the within
described to
the Commissioner of Inland Fisheries and Game.

.....
Inland Fish and Game Warden

(R. S. c. 33. 1945, c. 374, § 2.)

Sec. 127. Officer seizing fish or game to report to commissioner
within 10 days.—In all cases, the officer making any seizure or sale of
birds, fish, game or other wild animals, or parts thereof, shall within 10 days
thereafter report all particulars thereof and an itemized statement of the pro-
ceeds, expenses and fees, and the disposition thereof to the commissioner. The
failure of any person or officer to perform any act, duty or obligation enjoined
upon him by this chapter shall be deemed a violation thereof. (R. S. c. 33. 1945,
c. 374, § 2.)

Sec. 128. Commissioner or wardens may make arrest or search
buildings, camps, boats, etc., with or without warrants; commissioner
to notify transportation companies of names of wardens so empowered.
—The commissioner and wardens may arrest, with or without a warrant, any

person whom he has reason to believe guilty of a violation of any provision of this chapter and, with or without a warrant, may open, enter and examine all buildings, camps, vessels, boats, wagons, cars, motor vehicles, airplanes, stages, tents and other receptacles and places, and examine all boxes, barrels and packages where he has reason to believe that birds, fish, game or other wild animals, or parts thereof, taken or held in violation of the provisions of this chapter, are to be found, and seize such birds, fish, game or other wild animals, or parts thereof, if any be found therein; but no dwelling house shall be searched for the above purposes without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the above purposes without such warrant. Any magistrate may issue warrants to search within his jurisdiction any dwelling house or premises for the purpose above set forth; provided, however, that the commissioner shall, on or before the 1st day of October of each year, in writing, notify the superintendents of all transportation companies doing business within the state, of the names of the wardens by him designated to exercise the right of search of railroad cars as herein provided, and no other except those so designated shall be authorized to exercise the powers herein mentioned as to search of railroad cars. (R. S. c. 33. 1945, c. 374, § 2.)

Disposition of Money Received under This Chapter.

Sec. 129. Collection and disposition of money received under provisions of this chapter.—All fines, penalties, officers' costs and all other moneys recovered by the court under any provision of this chapter shall accrue to the treasurer of state and shall be paid into the treasury of the county where the offense is prosecuted. All officers' fees taxed against a respondent, if any, under any provision of this chapter, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense was committed. All fees, fines and penalties recovered and money received or collected 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.

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

Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, or rule or regulation, or any fees for licenses issued by authority of any inland fish and game law and shall neglect for more than 30 days to pay the same as herein provided, shall be punished by a fine of not less than \$50, nor more than \$100, and costs of prosecution for each offense. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 266, § 44. 1953, c. 394, § 75.)

Jurisdiction of Offenses. Court Proceedings. Penalties.

Sec. 130. 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, 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. (R. S. c. 33. 1945, c. 53; c. 374, § 2. 1953, c. 394, § 76.)

Purpose of section. — It is common knowledge that violations of the fish and game law often take place in remote parts of the state where no trial justices or municipal courts are located, and the taking of the violator before any particular magistrate or inferior court might be attended by great expense, long travel and much delay. It was the purpose of the law-makers in enacting the provisions of this section to establish a rule or system of procedure applicable to prosecutions for violations of the fish and game laws which obviated these difficulties and at the same time established and ensured uniformity throughout the state in the enforcement of the law. *State v. Carey*, 136 Me. 47, 1 A. (2d) 341.

The language employed in this section was designed primarily to regulate the official conduct of officers, but recognized that the appropriate method was through control of court jurisdiction. *State v. Harnum*, 143 Me. 133, 56 A. (2d) 449.

Section not violative of constitution. — The provision of this section giving the municipal court adjoining the county wherein the offense was committed jurisdiction over the offense does not violate the right

of the accused to have a speedy, public and impartial trial "by a jury of the vicinity," as conferred by Art. I, § 6 of the Maine Constitution. *State v. Longley*, 119 Me. 535, 112 A. 260. (See notes to Art. I, § 6.)

And works no hardship on accused. — When the vast extent of forest lands in Maine where violations of the inland fish and game laws frequently occur is considered, it is clear that the provision giving jurisdiction to the municipal court of an adjoining county does not operate as a hardship upon the accused, but in many cases to his benefit and for his convenience, obviating travel for long distances, with the attendant increased expense of witnesses, and securing trial in the vicinity or neighborhood of the alleged crime. *State v. Longley*, 119 Me. 535, 112 A. 260.

Section repeals inconsistent provision of charter.—This section, by implication, repealed the provisions of the charter of the Old Town Municipal Court, which gave that tribunal exclusive jurisdiction over violations of the fish and game law. *State v. Carey*, 136 Me. 47, 1 A. (2d) 341.

History of section.—See *State v. Carey*, 136 Me. 47, 1 A. (2d) 341.

Sec. 131. Jurisdiction.—Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provisions of this chapter. (R. S. c. 33. 1945, c. 374, § 2.)

History of section.—See *State v. Carey*, 136 Me. 47, 1 A. (2d) 341.

Sec. 132. Fish and game wardens may accept personal recognizances in certain cases.—Any warden of the department making an arrest for any violation of any provision of this chapter at a point more than 50 miles distant from the nearest trial justice, or municipal court having jurisdiction, may accept the personal recognizances of the prisoner in the sum of not exceeding \$100 for his appearance before the nearest trial justice or municipal court on a specified date and a deposit in money to the amount of said recognizance. Said warden shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

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

All money forfeited as aforesaid shall be immediately forwarded to the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 133. Recovery and disposition of fines, fees, forfeitures and

penalties.—The commissioner of inland fisheries and game shall have the same authority as is granted and vested in the commissioner of sea and shore fisheries under the provisions of section 139 of chapter 38. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 134. Proceedings in case of violation by corporation.—In case of violation of any provision of this chapter by a corporation, the warrant may be served by an attested copy on the president, secretary, manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employee from prosecution. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 135. County attorneys to prosecute violations. — Each county attorney shall prosecute all violations of this chapter occurring within his county when such cases may come to his knowledge, or when he may be so requested by the commissioner or any officer charged with its enforcement; such prosecution shall at all times be subject to the supervision and control of the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 136. Participant in violation compelled to testify.—In any prosecution under the provisions of this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 137. Result of court cases reported to commissioner.—Every magistrate or the clerk of the court before whom any prosecution under the provisions of this chapter is commenced or shall go on appeal, within 20 days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 138. Jail costs.—The costs for imprisonment in a county jail for the violation of any provision of this chapter or rules and regulations promulgated thereunder shall be paid by the commissioner to the county involved. Such costs shall not exceed the average amount paid for board of federal prisoners. (1949, c. 234, § 1.)

Sec. 139. Penalties.—Whoever violates any of the provisions of this chapter or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been hereinbefore provided, shall be punished by a fine of not less than \$10, nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment, except as hereafter noted:

I. Whoever violates any provision of this chapter relating to beaver shall be punished by a fine of not less than \$50 and costs and \$50 additional for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1949, c. 169)

II. Whoever violates any of the provisions of the first 2 paragraphs of section 71 shall be punished by a fine of not less than \$200, nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1947, c. 56)

III. Wherever any particular violation of any section of this chapter carries a specific fine which cannot be suspended, the provisions of this section shall not apply. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 56. 1949, c. 169.)

Possession of Firearms or Fishing Tackle.

Sec. 140. Possession of firearms in forests without license prima facie evidence of violation of law.—The possession of any firearm in the fields, forests or on the waters or ice within the territorial limits of the state by any person who does not possess the required hunting license duly issued to him, covering the period of time within which said firearm is found in his possession, shall be prima facie evidence of hunting in violation of law unless such person furnishes satisfactory evidence of the issuance of such license. (R. S. c. 33. 1945, c. 374, § 2.)

Sec. 141. Possession of fishing tackle in waters of state without license prima facie evidence of violation of law.—The possession of any fishing tackle in the fields, forests or on the waters or ice within the territorial limits of the state by any person who does not possess the required fishing license duly issued to him, covering the period of time within which such fishing tackle is found in his possession, shall be prima facie evidence of fishing in violation of law unless such person furnishes satisfactory evidence of the issuance of such license. (R. S. c. 33. 1945, c. 374, § 2.)

Expiration Date of Licenses.

Sec. 142. Expiration date of licenses.—All licenses and permits issued under the provisions of this chapter shall expire at midnight on December 31st of the calendar year in which the license or permit was issued, unless the license or permit specifically provides otherwise. (R. S. c. 33. 1945, c. 374, § 2.)

Biennial Revision.

Sec. 143. Biennial revision of "Fish and Game" laws.—As soon as practicable after the adjournment of the legislature, the director of legislative research, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and game. This revision shall take the place of chapter 37 of the revised statutes of 1954 and all acts or parts of acts amending said chapter. It may be cited as "chapter 37 of the revised statutes," and each revision shall replace the previous revision. The revision shall be printed in a pamphlet of the same sized pages as the laws of the state, and the printing and distribution thereof shall be the same as in the case of the biennial laws; except that the commissioner may issue as many extra copies of the said chapter 37 in whatever size pamphlet seems best to him as he deems necessary or helpful to inform the people as to the fish and game laws. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 349, § 60.)

Wildlife Restoration Projects.

Sec. 144. Assenting to the provisions of the Act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Wildlife-Restoration Projects, and for Other Purposes."—The state of Maine assents to the provisions of the act of congress entitled, "An Act to Provide that the United States Shall Aid the States in Wildlife-Restoration Projects, and for Other Purposes," approved September 2, 1937 (Public Law No. 415, 75th Congress), and the department of inland fisheries and game is authorized, empowered

and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the secretary of agriculture thereunder; and no fund accruing to the state from license fees paid by hunters shall be diverted for any other purpose than the administration of the department. (R. S. c. 33. 1945, c. 374, § 2.)

Fish Restoration and Management.

Sec. 145. Assenting to the provisions of the Act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes."—The state of Maine assents to the provisions of the act of congress entitled "An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes," approved August 9, 1950 (Public Law 681, 81st Congress), and the department of inland fisheries and game is authorized and empowered to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of congress, in compliance with said act and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the state from license fees paid by fishermen shall be diverted for any other purpose than the administration of the department and for the protection, propagation, preservation and investigation of fish and game. (1951, c. 337.)

Careless Shooting of Human Being. Hunting in Game Preserves.

Sec. 146. Carelessly shooting human being while engaged in hunting.—Whoever, while on a hunting trip or in the pursuit of wild game or game birds, negligently or carelessly shoots and wounds, or kills any human being, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 10 years. The hunting license of any such person convicted under the provisions of this section shall be immediately revoked by the commissioner and such person shall not thereafter be eligible to procure a hunting license; provided, however, that such license shall not be revoked pending appeal. Persons convicted of negligently and carelessly shooting and wounding a human being while hunting in another state shall not be issued a license to hunt in this state. (R. S. c. 33. 1945, c. 374, § 2. 1947, c. 99, § 2. 1949, c. 194.)

The words of this section cover all the material facts of the offense. It is not necessary to state in the indictment such allegations as: — that the accused carried a gun while on a hunting trip; that the gun he carried was loaded; that the gun was discharged; that the respondent stumbled and fell; that the trigger was unintentionally hit when respondent climbed a fence; that respondent thought he saw a deer, or similar allegations. *State v. Euart*, 149 Me. 26, 98 A. (2d) 556.

And surrounding circumstances are not part of offense.—The crime provided for by this section consists in shooting a human being, negligently or carelessly, while

in pursuit of wild game or while on a hunting trip. The surrounding circumstances are not constituent parts of the offense and the means by which and the manner in which the crime has been committed are not part of the crime itself. *State v. Euart*, 149 Me. 26, 98 A. (2d) 556.

An allegation that the defendant did negligently and carelessly shoot another is a sufficient allegation that the shooting was negligently and carelessly done without further specification as to wherein the negligence or carelessness lay. It sufficiently informs the accused of the nature of the crime with which he is charged. *State v. Euart*, 149 Me. 26, 98 A. (2d) 556.

Sec. 147. County attorney and sheriff to investigate violations; failure to act.—County attorneys and sheriffs, in their respective counties, shall promptly investigate any alleged violations of the preceding section after having knowledge thereof, and prosecute every person accused thereof; for failure so

to investigate and prosecute, each of said officers shall be punished by a fine of not more than \$1,000, and shall be removed from office. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 265.)

Sec. 148. Hunting in game preserves; hunting or possession of firearms within limits of game preserves.—No person shall at any time hunt, trap, chase, catch, kill or destroy any wild birds or wild animals or have in his possession firearms of any description within the limits of any game preserve or closed territory except as provided in this chapter, and except that the commissioner is authorized to regulate the trapping of wild animals thereon and to use such means as may seem necessary to exterminate vermin of any description in all game preserves and sanctuaries and in any other localities where damage is being done. (R. S. c. 33. 1945, c. 374, § 2.)

Game Preserves and Sanctuaries.

Sec. 149. Game preserves and sanctuaries.—No person shall, except as herein provided, at any time, trap, hunt, pursue, shoot at or kill any wild animal or any game or other wild birds within the following described territories:

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

Augusta: That territory situated in the city of Augusta, in the county of Kennebec: Bounded on the north by the south line of Lot No. 42, range 3, east of the Kennebec river, on the east by the east line of said range 3, on the south by the North Belfast road and the south line of Lot No. 36, of said range 3, and on the west by the west line of said range 3, consisting of about 600 acres. Provided, however, that the provisions of this paragraph shall not be construed to prohibit the trapping of wild animals, within this described territory, in accordance with the general laws of the state.

Back Bay, Portland: No person shall at any time hunt, chase, catch, kill or destroy any water fowl or any other wild bird in Back bay, so called, in Portland, in the county of Cumberland, above the Grand Trunk Railway bridge or within the area enclosed by a boundary line drawn as follows: Beginning at Fish Point at the easterly end of the Eastern Promenade in the city of Portland, thence extending about northeasterly to Pomeroy's Rock, thence about northeasterly to Mackworth or Half-way Rock southerly of Mackworth or Mackey Island, thence in a northerly direction to a point marked by a buoy 1,000 feet from the most easterly point of Mackworth Island, so called, thence in a northwesterly direction to a point where the bridge to Mackworth Island touches the Falmouth shore, thence about southwesterly along the shore of the town of Falmouth to Mackworth or Mackey point, thence about southwesterly along the easterly side of Martin Point bridge to the shore of East Deering (United States Marine Hospital) Portland, thence about southwesterly and southerly along said East Deering shore to the Grand Trunk bridge, thence along the easterly side of said Grand Trunk bridge to the shore of the Eastern Promenade, Portland, thence about southerly along said shore of the Eastern Promenade to the said Fish Point, the point of beginning. No person shall have in possession at any time any water fowl or any other wild bird or any wild animal, or part thereof, taken in violation of any provision of this section. Whoever violates any provision of this paragraph

shall be punished by a fine of not less than \$10, nor more than \$40, and costs, for each offense.

Bangor: The following described territory situated in the city of Bangor in the county of Penobscot: Bounded on the south by the southerly line of said city of Bangor; on the east by the Penobscot river and Kenduskeag stream; on the north by Hammond street, so called, in said city of Bangor; and on the west by the westerly boundary line of said city. Provided, however, that the provisions of this paragraph shall not be construed to prohibit the trapping of wild animals, within this described territory, in accordance with the general laws of the state.

Baxter State Park: The following described tracts of territory situated in the counties of Penobscot and Piscataquis W. E. L. S. the same being in unorganized townships, to wit: That portion of township 6, range 8, Penobscot county in the southwest corner of said township bounded and described as follows: Beginning at the southwest corner of said township thence north along the west line of said township to First Grand or Matagamon lake; thence easterly, southeasterly and southerly along the western shore of said lake to the point where the said western shore intersects the north line of the Dam Lot, so called, which was conveyed to the East Branch Dam Company by deed dated October 28, 1902 and recorded in Penobscot County Registry of Deeds in book 727, page 335 and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot river; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the southwest corner thereof and the point of beginning: that portion of township 3, range 9, Piscataquis county now the property of the state of Maine: all of township 4, range 9, Piscataquis county: all of township 5, range 9, Piscataquis county: that portion of township 6, range 9, Piscataquis county lying south of Trout brook and south of Wadleigh brook and extending from the east line of said township across said township to the west line thereof, excepting that part of Trout Brook farm, so called, containing 136 acres, more or less, which was excepted and reserved from parcel one in a deed of Percival Proctor Baxter to the state of Maine as set forth in chapter 1 of the private and special laws of 1949: all of township 3, range 10, Piscataquis county: all of township 4, range 10, Piscataquis county: all of township 5, range 10, Piscataquis county, excepting therefrom an area of 20 acres in the southwesterly quarter thereof, formerly owned by and belonging to Charles A. Daisey, now owned by Arnold R. Daisey, which was excepted and reserved from a deed from Percival Proctor Baxter to the state of Maine, as set forth in chapter 91 of the private and special laws of 1943. The said within described 8 tracts or parcels of land contain 141,712 acres more or less. (1949, c. 382. 1951, c. 164)

Beauchamp Point: No person shall at any time hunt, pursue, molest, trap, catch, shoot at, kill or destroy any wild bird or wild animal within the following described territory situated in Rockport and Camden, in the county of Knox: Beginning at the mouth of Goose river in Rockport; thence in a northerly direction along number 1 highway to the mouth of the Megunticook river in Camden; thence in a southerly direction along the coast around Metcalf Point and Beauchamp Point and thence in a northerly direction to the said Goose river. (1951, c. 154)

Big Squaw Mountain: No person shall at any time hunt, pursue, molest, trap, catch, shoot at, kill or destroy any wild bird or wild animal within the following described territory; on the property of Louis Oakes; said game sanctu-

ary being in the central part of Big Squaw Mountain township and bounded and described as follows, to wit: Beginning at a point 50 feet west of the new state highway leading from Greenville Junction, so called, to Rockwood, said point being about 96 rods south of Upper Squaw Brook highway bridge and marked by a cedar post painted red; thence westerly parallel with the south line of said township 1 mile, 242 rods to a cedar post painted red; thence northerly 2 miles, 103 rods to a cedar post painted red; thence easterly parallel with the south line 1 mile, 145 rods to a cedar post painted red standing 50 feet west of the new state highway mentioned above; thence southerly following the westerly boundary of the Piscataquis and Somerset game preserve to the first mentioned bound; containing 2,450 acres more or less. Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10, nor more than \$100, and costs, for each offense, or by imprisonment for 30 days, or by both such fine and imprisonment.

Colby College Game Management Area: The Mayflower Hill Campus of Colby College comprising approximately 640 acres of land. It is located west of the center of Waterville bounded in general as follows:

From a stone marker on the west bank of Messalonskee stream, said marker located across the stream from a point approximately 400 feet north of River-view avenue. Runs north along bank of Messalonskee stream to a point approximately 2,000 feet north of Cedar bridge (North street), thence in a northeasterly direction to a cement marker on the Second Rangeway at a point approximately 900 feet northeast of intersection with Rice Rips road, thence in a southwesterly direction to Rice Rips road, thence east approximately 300 feet, thence southwesterly again approximately parallel to and west of the Second Rangeway for approximately 1,800 feet to a cement marker, thence easterly to the Second Rangeway, thence in a southerly direction on east side of Second Rangeway for approximately 1,900 feet to a cement marker and college sign; thence southeast approximately 5,400 feet to Mt. Merici property line post and cement marker; thence in easterly direction to and across Mayflower Hill Drive in offset manner (east offset marked with stone or cement marker post) to and across Maine Central railroad to the point of beginning on west bank of Messalonskee stream. (1953, c. 233)

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

Dry Pond: On Dry pond or from the shores of said pond, which pond is situated in the town of Gray, in the county of Cumberland.

Fairfield: The following described territory situated in the town of Fairfield, in the county of Somerset: Good Will farm, so called; the Girls' farm, so called, of Good Will farm; land of G. W. Hinckley; land of John Connor; land of J. Russell Barrett, which land is bounded as follows: On the north by land of Edwin Hicks and N. E. Bessey; on the east by the Kennebec river; on the south by land of Fred Tobey, Frank Moore, H. B. Hamm and C. B. Tuttle, also by the Fairfield town farm; on the west by land of L. P. Gifford, Alonzo Hoxie, Edwin Marcou and also by Martin stream; said territory being Good Will farm proper, so called, the Girls' farm, so called, and land of G. W. Hinckley, John Connor and J. Russell Barrett, adjacent to the above-named farms. Provided, however, that the provisions of this paragraph shall not be construed to prohibit the trapping of fur-bearing animals, within this described territory, in accordance with the general laws of the state.

Ganeston Park: The following described territory, known as Ganeston park, containing about 475 acres of land situate in the cities of Augusta and Hallowell, in the county of Kennebec, and bounded as follows: Beginning in the south line of Western avenue, in said Augusta, at a stone bound marking the northwest corner of land of William H. Gannett; thence running easterly in the south line of said Western avenue 2,090 feet to a stone bound; thence southerly in each line of said Gannett's land 398 feet to a stone bound; thence westerly in south line of said Gannett's land about 91 feet to a stone bound; thence southerly, in east line of said Gannett's land about 216 feet to a stone bound; thence easterly in north line of said Gannett's land, 462 feet to a stone bound; thence southerly in east line of said Gannett's land, about 387 feet to a stone bound; thence easterly in north line of said Gannett's land 1,587½ feet to a stone bound; thence southerly in east line of said Gannett's land, about 655 feet to a stone bound; thence easterly in north line of said Gannett's land 50 feet to a stone bound; thence southerly in east line of said Gannett's land, about 147 feet to a stone bound; thence easterly in north line of said Gannett's land 297 feet to a stone bound; thence northerly in the course of the west line of Page street 146 7/10 feet; thence easterly in north line of said Gannett's land 40 feet to the east line of said Page street; thence southerly in east line of said Gannett's land 240 feet to a stone bound; thence easterly in north line of said Gannett's land 111 feet to a stone bound in the west line of Sewall street; thence southerly in the west line of said Sewall street, 3,442½ feet to the southerly line of the city of Augusta; thence westerly in the south boundary line of said city of Augusta 2,309 feet to a stone bound; thence northerly in west line of said Gannett's land 90¾ feet to a stone bound; thence westerly in south line of said Gannett's land 1,660 feet to a stone bound; thence northerly in west line of said Gannett's land about 667 feet to a stone bound; thence westerly in south line of said Gannett's land about 958 feet to a stone bound in the east line of the Whitten road, so called; thence northerly in the east line of said Whitten road about 320 feet to a stone bound; thence easterly in the south line of the state rifle range lot about 2,055 feet to a stone bound; thence northerly in the east line of said rifle range lot about 297 feet to a stone bound; thence westerly in the north line of said rifle range lot about 2,148 feet to a stone bound in the east line of said Whitten road; thence northerly in the east line of said Whitten road 868 feet to a stone bound; thence easterly in north line of said Gannett's land 1,810 feet to a stone bound; thence northerly in west line of said Gannett's land 3,237 feet to the first mentioned stone bound in the south line of said Western avenue marking the northwest corner of said Gannett's land. Provided, however, that the provisions of this paragraph shall not be construed to prohibit the trapping of wild animals, within this described territory, in accordance with the general laws of the state.

Gero Island: The whole of the island in the lake created by Ripogenus dam, known as Ripogenus or Chesuncook lake, which island is known as Gero Island, and is situated wholly within the plantation of Chesuncook.

Grassy Pond; Glencove; Rockport: It shall be unlawful for any person to hunt, trap, pursue, shoot at or kill any wild bird or wild animal at any time on Grassy pond, or from a point 100 feet from the shores of said pond, which pond is situated in the towns of Rockport and Hope, in the county of Knox. It shall also be unlawful for any person to hunt, pursue, shoot at or kill any wild bird or wild animal at any time in Glencove, so called, in Penobscot Bay, which cove is situated in the town of Rockport, in the county of Knox, and which cove is bounded as follows, to wit: On the north, west and south by the main land, on the east by a line extending from Smith's point to Ram island and from Ram island to the easterly point of Pine hill in said Rockport. It shall also be unlawful for any person to have in possession at any time any wild bird or wild animal

taken in violation of any provision of this paragraph. Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$5, nor more than \$50, and costs for each offense, or by imprisonment for 30 days, or by both such fine and imprisonment.

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

Gribbel Game Preserve: No person shall, except as hereinafter provided, at any time, hunt, pursue, shoot at or kill any wild animal or any game or wild bird, within the following described territory, situated in the town of Hope, in the county of Knox, known as the Gribbel farm and formerly known as the Grant farm. It shall also be unlawful for any person to have in possession at any time any wild animal or any game or wild bird, or part thereof, taken in violation of any provision of this paragraph. Provided, however, that it shall be lawful to hunt foxes and rabbits in the above described territory during the open season on the same, as now or hereinafter provided by law, but no person shall kill in any one day more than 2 rabbits within the limits of said sanctuary.

Jefferson and Whitefield: The following described territory situated in the towns of Jefferson and Whitefield, in the county of Lincoln: Land of Jewett brothers, situated wholly or partly in the town of Jefferson; land of S. D. Erskine, wholly or partly in the towns of Jefferson and Whitefield; land of Clarence Ford, wholly or partly in the town of Jefferson; land of Boynton brothers, wholly or partly in the town of Jefferson; which land is bounded as follows: On the north by the highway leading from Weary pond to South Jefferson; on the east by Sterns brook and by Little Dyer's pond and the inlet stream and marsh of said pond and by the highway leading from South Jefferson to Alna; on the south by the Alna town line; on the west by the road leading from Alna to said Weary pond, in the town of Whitefield.

Kineo Point: No person shall at any time hunt, pursue, shoot at or kill any wild bird or wild animal on Kineo point, in Kineo, in the county of Piscataquis. Whoever violates the provisions of this paragraph shall pay a fine of not less than \$10, nor more than \$40, and costs, for each offense.

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

be unlawful for any person to have in possession at any time any wild bird or wild animal taken in violation of any provision of this paragraph. (1945, c. 146. 1947, c. 37. 1949, c. 20. 1951, c. 46)

Maranacook Game Preserve: The following named territory: On the property of the following named persons, to wit: Harvey's island, so called, Morgan's island, so called, and the water included between these islands and west shore of said lake; land of James E. Harvey and Helen M. Scribner, land of Star Allyn Harvey, land of William H. Morgan, land of J. Warren Butman, known as the John P. Craig lot, land of Amy E. Smith, land of W. G. Smith, known as the Smith-Jordan Farm, land of E. W. Manter, land of Etna (May) Manter, land known as Raymond lot, and bounded and described as follows, to wit: Beginning at the southeast corner of William H. Morgan's land on shore of Lake Maranacook, thence westerly in the south line of said Morgan's line to the Winthrop-Readfield corner road, so called, thence northerly along said road to the southeast corner of J. Warren Butman's John P. Craig lot of land, thence westerly in south line of said Butman lot and south line of Amy E. Clark line to the Middle Winthrop-Readfield road, so called; thence northerly along said Middle Winthrop-Readfield road to the north line of the Smith-Jordan land of W. G. Smith, thence easterly in the north line of the Smith-Jordan land, the north line of the James E. Harvey-Helen M. Scribner land and north line of Star Allyn Harvey land to the west shore of said Lake Maranacook, thence southerly and easterly along shore of said Lake Maranacook to the point of beginning, containing 550 acres, more or less. James W. Harvey may establish and maintain a rifle range for target practice on his land within the limits above mentioned. (1951, c. 116)

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

Monroe Island Game Preserve: No person shall at any time hunt, pursue, molest, trap, catch, shoot at, kill or destroy any wild bird or wild animal on Monroe island, in the town of Owl's Head, in the county of Knox. (1951, c. 54)

Moosehead Lake Game Preserve: The following described tracts or territory situated in the county of Piscataquis: Moose island and Farm island, in Moosehead lake, and the territory bounded as follows: Beginning on the shore of Moosehead lake at a point nearest to the easterly end of the state road leading westerly from Greenville Junction, so called, to the state fish hatchery on Squaw brook, thence westerly by said state road to said hatchery, thence northeasterly down said brook to the shore of Moosehead lake, thence by the shore of said lake to the point of beginning.

Moosehorn Game Preserve: No person shall at any time hunt, pursue, molest, trap, catch, shoot at, kill or destroy any wild bird or wild animal within

the right of way of the Maine Central Railroad from St. Croix Junction in Calais, southerly to the Charlotte town line. (1953, c. 34)

Narragansett Game Sanctuary: The following described territory situated in the town of Gorham, in the county of Cumberland: Bounded on the north by the right of way of the W. N. & P. division of the Boston & Maine railroad; on the east by the Black brook road or Scarboro road, so called, in said town of Gorham; on the south by the Stroudwater river; and on the west by South street or South Gorham road, so called, in said town of Gorham, containing 3,600 acres, more or less. Provided, however, that the provisions of this paragraph shall not be construed to prohibit the trapping of fur-bearing animals, within this described territory, in accordance with general laws of the state.

Natanis Game Preserve: The following named territory; on the property of the following named persons, to wit: Yearly Meeting of Friends for New England, for Oak Grove Seminary; Abbie S. Leach, William F. Glazier, Thomas G. Burleigh, Clara C. Burleigh, Levater W. Sanborn, Nettie C. Burleigh, John Kennedy, Gertrude Waldron Smith, Russell G. Ayer, Bert O. Denico, Mary Cook, Dary I. Cox and Thomas Starkey, and bounded as follows, to wit: On the west by the Kennebec river, on the north by land of Francis Nadeau, Fessenden Drummond Estate and William Getchell; on the east by land of Raymond Alley, Parker Gifford Estate, Wilbur F. Berry and Wheeler Priest; on the south by land of Charles Purinton, Wilbur F. Berry, Parker Gifford Estate, and A. W. Low Estate, containing 1,700 acres, more or less. This game preserve shall be called the Natanis Game Preserve.

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

Old Town Game Preserve: The following described territory situated in the city of Old Town, in the county of Penobscot: Bounded by the Orono town line on the south, and Stillwater and Penobscot rivers on the west, north and east. (1947, c. 233, 1953, c. 242)

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

Orono Game Preserve: That portion of Marsh Island in the town of Orono bounded by the Old Town town line on the north, and Stillwater and Penobscot rivers on the west, south and east, is designated the Orono Game Preserve. (1953, c. 242)

Prout's Neck; Richmond's Island; Cape Elizabeth: No person shall, except as herein provided, at any time, hunt, pursue, shoot at or kill any wild animal or any game or other wild bird within the following described territory: On the 112 acres of land, more or less, comprising Prout's Neck, so called, in the

town of Scarboro, in the county of Cumberland; or on Richmond's island, so called, in the town of Cape Elizabeth, in said county of Cumberland; or on the tract of land comprising 1,600 acres, more or less, situated in said town of Cape Elizabeth, and bounded as follows: Southerly by the sea, westerly by the Spurwink river, northerly by the Spurwink road, so called, leading from Spurwink bridge to Bowery beach, easterly by a certain private road or way which runs in a southerly direction from the aforesaid Spurwink road to said Bowery beach, being the road which runs in front of the dwelling house of one Charles L. Jordan and along the easterly boundary of land of said Charles L. Jordan, and along the westerly boundary of land of the Great Pond Club, but not including any portion of said Bowery beach. It shall also be unlawful for any person to have in possession at any time any wild bird or wild animal, or part thereof, taken in violation of any provision of this paragraph. Provided, however, that the provisions of this paragraph shall not prohibit any person residing within the limits of either of the above described reservations or preserves from shooting at or destroying any wild bird, except ruffed grouse or Hungarian partridge, or any wild animal, when found destroying his property; and provided further, that the provisions of this paragraph shall not be construed to prohibit the trapping of wild animals within the above described territory in accordance with the general laws of the state. Whoever violates any provision of this paragraph shall be punished by a fine of not less than \$10, nor more than \$40, and costs, for each offense. (1953, c. 69)

Orrington Game Preserve: The following described territory beginning at a point on the state aid road No. 4, in Orrington, at the East Bucksport turn, extending in a southerly and southeasterly direction to the county line; on the road leading to Thurston pond, to the Hancock county line; thence southwesterly along said county line to the land of Harry Byard; north along said line to the land of E. F. Bowden; west on said line to the land of Frank Betts; northerly on line of E. F. Bowden to land of Fred Bowden; west on Fred Bowden's line to land of J. Betts; northerly on line of Fred Bowden and J. Betts to line of H. Byard; westerly on Byard's line and line of Mary Gray to land of P. W. Gray; northerly on Gray's line to land of J. Bowden heirs; northerly across said land to the line of E. F. Bowden and J. W. Bowden heirs; easterly on J. W. Bowden heirs' line to the first mentioned bound; provided further, that the commissioner may add adjacent property to said game preserve upon application of said adjacent property owners.

Piscataquis and Somerset Game Preserve: The following described tract or territory situated in the counties of Piscataquis and Somerset, the same being in unorganized territory, and taking in parts of Big Squaw Mountain township, Sapling town, Misery Gore, Taunton and Raynham townships, and including the whole of Sanborn tract, bounded and described as follows: The territory from the westerly side of the right-of-way east to low-water mark on Moosehead lake, between Squaw brook and West outlet, bounded as follows: The southerly boundary shall begin at low-water mark on Moosehead lake and extend up the southerly side of Squaw brook to a point 50 feet west of the new state highway; the westerly boundary shall be 50 feet west of the right-of-way on the road from Squaw brook to the West outlet of Moosehead lake; the easterly boundary shall be the low-water mark along the shore of Moosehead lake, from the dam at West outlet to Squaw brook; the northerly boundary shall be from the point 50 feet easterly from the bridge at West outlet to low-water mark on Moosehead lake.

Pittston Farm: Pittston farm, so called, in Pittston township, in the county of Somerset, being all the fields, pastures and cultivated lands of said farm.

Rangeley Game Preserve, in the County of Franklin: No person shall

at any time hunt, chase, catch, kill or destroy any wild animal or wild bird within the limits of the following described tract or territory, situated in Rangeley, in the county of Franklin, to wit: So much of said town of Rangeley as is bounded as follows, southwesterly by Rangeley lake; northwesterly and northeasterly by route No. 16; and southeasterly by the inlet to Rangeley lake leading from Haley pond, so called. The territory above described being so much of said town of Rangeley, as lies between Rangeley lake, the outlet of Rangeley lake, route No. 16 and said inlet to Rangeley lake from Haley pond. It shall be unlawful for any person to have in possession at any time, any wild animal or wild bird, or part thereof, taken within the above described territory. Except, it shall be lawful to hunt foxes, bobcat and Canada lynx from the end of the deer season each year until the closed season on foxes. The provisions of this paragraph shall, however, apply to that part of Hunter Cove, so called, lying northerly of Hunter Cove bridge, so called.

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

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

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

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

Stockholm Game Preserve: The following described territory, situated in the town of Stockholm and T. 16, R. 4, in the county of Aroostook beginning at a point on state road No. 161 at a point where Bangor & Aroostook R. R. crosses

said highway and extending in an easterly and northerly direction along the right-of-way of said railroad approximately 6 miles to the southern boundary of T. 17, R. 3, thence west along southern boundary of T. 17, R. 3, also T. 17, R. 4, to highway 161 in a southeasterly direction to point of beginning; the above described area containing approximately 12,000 acres. (1949, c. 76)

Swan Island Game Management Area: It shall be unlawful to hunt, chase, trap, kill or pursue any wild animals or birds above high-water mark within the following described tract or territory situated in the county of Sagadahoc, to wit: The islands in the Kennebec river, near Richmond, known as Swan island and Little Swan island, formerly known as Alexander islands. Such game management area, being bordered by tidal flats, shall be regulated by the commissioner to the high-water mark on said flats, except at Maxwell's Cove, so called, where he shall regulate to low water on the tidal flats to be marked with red posts. (1951, c. 201)

Thornrag-Stanton Bird Sanctuary: The following described territory, situated in the city of Lewiston, county of Androscoggin, and the town of Monmouth, county of Kennebec, to wit: Bounded on the north by land of H. Osmond Wood; on the east by land formerly owned by Benjamin Thorn; on the south by the road leading from Barker's Mills schoolhouse to Thorne's Corner; on the west by land of H. Osmond Wood and George H. McGibbon; said tract being wholly situated within the city of Lewiston in said county of Androscoggin and containing 45 acres, more or less. The most northerly corner of land of the estate of George K. Davis, bounded and described as follows, to wit: On the northwest by land of the so-called Ham farm; on the northeast by Pleasant street; on the southwest by land of Joseph Breault; and on the southeast by a line extending northeasterly from the easterly corner of said Breault's land and being a continuation of the southeast boundary of said Breault's land, containing 2 acres, more or less situated in the city of Lewiston, in the county of Androscoggin. Beginning at a maple tree at the southeast corner of the Ricker farm, now or formerly so called, thence running west, northwest 244 rods to a stooping cedar in what is now or was formerly a swamp, thence south $22\frac{1}{2}^{\circ}$ west, 122 rods to a stake near Wyman pond now or formerly so called; thence east, southeast 244 rods to the lot first conveyed by a deed from Benjamin Woodbury to Mary A. Davis; thence by said lot above described as first conveyed by said deed, 122 rods to the point of beginning, containing about 132 acres, more or less, situated in the town of Monmouth, in the county of Kennebec.

Tomhegan Game Sanctuary: The following territory in township 1, range 2, N. B. K. P., commonly known as Tomhegan Town, in the county of Somerset, described as follows: Beginning at a cedar post and stones, the post being marked PRESERVE C/W 1931, standing on the line which is the division line between the land owned by the Great Northern Paper Company and that owned by the trust estate of F. W. Rollins, standing on the westerly shore of Socatean bay in Moosehead lake; thence westerly on said division line 1 mile and 160 rods to a cedar post and stones, the post being marked PRESERVE C 1931; thence southerly at right angle to said division line 250 rods to a cedar post and stones, the post being marked PRESERVE C/W 1931 and standing on the northerly shore of Tomhegan bay in Moosehead lake; thence easterly and northerly along the shore of Moosehead lake around Socatean point, so called, to the point of beginning and containing 700 acres, more or less. All hunting or trapping in said territory shall be illegal.

Wells: The following described tract or territory, situated in the town of Wells, in the county of York, to wit:

A certain tract of land, bounded and described as follows: On the east by the

Atlantic ocean; on the south by the Drake island road, so called; on the west by the U. S. Number 1 highway, so called; on the north by the town line of Kennebunk and Wells.

Wells and York Game Preserve: No person shall, except as herein provided, at any time, hunt, pursue, shoot at, molest or kill any wild animal or any game or wild bird within the following described territory situated in the towns of Wells and York in York county; beginning at a point on highway No. 1 where the Agamenticus road meets said highway No. 1 in the town of Wells, thence southwesterly along said Agamenticus road to the logging road, so called, in the town of York, thence westerly and northerly along said logging road to the Ogunquit-North Berwick road, thence easterly along said Ogunquit-North Berwick road to highway No. 1 in the town of Wells, thence southerly along highway No. 1 to the point of beginning in the town of Wells. It shall also be unlawful for any person to have in possession at any time any wild bird or wild animal taken in violation of any provision of this paragraph. The provisions of this paragraph shall not prohibit the commissioner of inland fisheries and game from regulating the taking of fur-bearing animals and vermin thereon.

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

Beginning on the county road on the westerly line of the Reed farm, so called, now or formerly owned by Mrs. J. Abiah McPhail, and thence running north 4° east, following said line, 32 rods to a marked tree; thence 75° west 20 rods to a stake; thence south 4° east 32 rods to the county road; thence easterly by the county road to the place of beginning. The same being the building lot formerly owned by the late John W. Trott and containing 4 acres, more or less.

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

Also, 1 other lot or parcel of land known as the pasture lot formerly the Wm. H. Brown farm, bounded generally as follows, to wit: On the north by land formerly of S. Frost; on the east by land of Trott, on the south by the county road leading to Pembroke and on the west by land of M. Conley and land of others, names unknown, the above described lots being know as the Elijah Loring farm in said Perry.

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

Also, 1 other lot or parcel of land bounded and described as follows, to wit: On the east by lots numbered 19 and 20; southerly by land of the late John Loring

and the Russell lot, so called; westerly by lots numbered 10 and 11; and northerly by the William Anderson lot, and land formerly owned by the late Aaron Frost.

Also, 1 other certain lot or parcel of land bounded and described as follows, to wit: Bounded on the north by road leading from county road, to the field on the west; on the east by the county road leading from Eastport to Calais; on the south and the west by land of Lucinda Frost, afterwards conveyed to Jennie Frost; said lot being 10 rods on the county road and 8 rods back from the road.

Also, 1 other certain lot or parcel of land bounded and described as follows, to wit: On the east by the county road leading from Eastport to Robbinston; on the south by land formerly owned by John A. Frost, on the west by land formerly of Sidney S. Frost and on the north by land formerly of Sidney S. Frost.

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

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

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

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

York Game Sanctuary, in the County of Franklin: No person shall at any time, hunt, chase, catch, kill or destroy any wild bird or wild animal within the following named territory; on the property of the following named persons, to wit: On land of J. Lewis York and on land of Yorks; said game sanctuary being in the northwest corner of Dallas Plantation, and bounded as follows, to wit: West by the east line of the town of Rangeley; north by the south line of Lang Plantation; east by the west line of the public lot in Dallas Plantation; and south by land of Furbish, Goodspeed Company and land of the heirs of Henry Bliss, containing 539 acres, more or less. This game sanctuary shall be called the York game sanctuary. Any violations of the provisions of this paragraph relating to game preserves shall be punishable in accordance with the provisions of section 139 unless otherwise provided. Provided, however, that the provisions

of this paragraph shall not be construed to prohibit a person residing within the limits of a game preserve from killing any wild bird, except grouse, or any wild animal, except beaver, when found destroying his property. It shall also be unlawful for any person to have in possession at any time any wild animal or any game or wild bird or part thereof taken in violation of any provision of this paragraph. (R. S. c. 33. 1945, cc. 25, 146; c. 169, §§ 1, 2; c. 374, § 2. 1947, cc. 17, 37, 39, 233, 234. 1949, cc. 20, 76, 382. 1951, cc. 46, 54, 116, 154, 164, 201. 1953, cc. 24, 34, 69, 132, 233, 242.)

Sec. 150. Commissioner empowered to create temporary game preserves in limited area.—The commissioner is empowered, upon the written consent of landowners, to create from any lands within the state, not to exceed 1,000 acres, a game preserve or preserves, for the purpose of liberating tame deer. The commissioner is also authorized to release all or any part of such lands from the restrictions of a game preserve or preserves, whenever he deems it expedient. (R. S. c. 33. 1945, c. 65; c. 374, § 2.)

Field Trials for Retrieving Dogs.

Sec. 151. Field trials for retrieving dogs.—Upon application of any incorporated or unincorporated club or organization having in its membership 25 or more members who are citizens who have been residents of the state for at least 6 months immediately prior to making application and the payment of a fee of \$10, the department may at its discretion issue a license to such club or organization to hold at the time and place stated in such license a field trial for retrieving dogs for the purpose of demonstrating the skill of such dogs in retrieving dead or wounded game birds. A separate application shall be filed for each field trial proposed to be held by any such club or organization. Such license when issued shall authorize members of the licensee to shoot and kill with firearms, under supervision of a representative of the department, game birds propagated or legally acquired by members of the licensee and released by members of the licensee at the field trial held at the time and place specified in such license but only during daylight hours and only with the consent of the owner of or person having legal control of the land on which such field trial is held. Before any game bird so shot is consumed or removed from the premises, a representative of the department shall attach a tag thereto. Such tag shall be furnished by the department for a reasonable fee and shall remain attached to the bird until the same is prepared for consumption. Licensees shall pay the department for the services of its representative at such field trials at the rate of \$15 per day. Persons participating in any such field trial pursuant to the provisions of this section shall not be required to have hunting licenses. Game birds so released or shot pursuant to the provisions of this section shall not be deemed to be wild birds. (1953, c. 11, § 2.)

See c. 140, § 3, re shooting of birds at field trials.