

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Chapter 37.

Inland Fisheries and Game.

Sections 73-84. Hunting. Revocation of Hunting and Fishing Licenses. Intoxication. Sunday Hunting. Night Hunting, etc. Silencers. Automatic Firearms. Importing of Wild Birds or Animals.

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

Sec. 1. Commissioner and deputy commissioner; appointment; term; reports; salary.

The commissioner shall receive an annual salary of \$8,000 and he shall also receive all necessary traveling expenses. (R. S. c. 33. 1945. c. 366, § 1; c. 374, § 2. 1951, c. 412, § 11. 1955, c. 473, § 13.)

Effect of amendment.—The 1955 amendment increased the annual salary of the commissioner from \$7,000 to \$8,000. As only the second paragraph was changed by the amendment the first paragraph is not set out.

Sec. 2. Duties and office; sale of confiscated arms and ammunition.

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 not to exceed the number of days lost. (R. S. c. 33. 1945, c. 27; c. 374, § 2. 1949, c. 179. 1955, c. 290, § 1.)

Effect of amendment.—The 1955 amendment substituted, at the end of the last paragraph, the words "not to exceed the number of days lost" for the words "of not more than 2 weeks, which period shall not total more than 2/3 of the time lost." As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Sec. 3. Boundary waters with New Hampshire and 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 states of Maine and New Hampshire and provinces of Canada. These rules and regulations shall be those that are mutually agreed upon by the commissioners of Maine and New Hampshire and the Canadian fishery authorities. (1953, c. 394, § 1. 1955, c. 290, § 2.)

Effect of amendment.—The 1955 amendment made the section applicable to boundary waters with New Hampshire.

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 in December and May of each year, and special meetings at such other times and places within the State as would seem advisable. At the meeting held in May 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. 1955, c. 290, § 3.)

Effect of amendment.—The 1955 amendment substituted the words “in December and May of each year” for the words “at the state capitol on the 1st Thursday of

January and July, annually” in the sixth sentence, and the words “in May” for the words “on the 1st Thursday of January” in the seventh sentence.

Fishways. Dams.

Sec. 13. Construction of fishways and repairs thereto; appeals.

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 or the commissioner may petition the superior court in equity, in term time or vacation, in the county where said dam or other artificial obstruction exists, to enforce any such order or to restrain any violation 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.

(1955, c. 275.)

Effect of amendment.—The 1955 amendment added that part of the first sentence of the fifth paragraph appearing after the word “thereof” in line seven. As the rest

of the section was not changed by the amendment, only the fifth paragraph is set out.

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

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 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. 1955, c. 290, § 4.)

Effect of amendment.—The 1955 amendment deleted the words “experimental

work in” following the word “for” in line three.

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

Regulations may be published and filed in the same manner as rules and regulations as provided for in section 9 and each area shall be posted with signs setting forth the regulations in effect thereon. (1949, c. 170. 1955, c. 290, § 5.)

Effect of amendment.—The 1955 amendment substituted the words “as provided for in section 9” for the words “pertaining to fishing” in the last paragraph. As

the rest of the section was not changed by the amendment, only the last paragraph is set out.

Civil Service Commission.

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 chief warden, 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. 1955, c. 290, § 6.)

Effect of amendment.—The 1955 amendment substituted “chief warden” for “deputy commissioner” in the second sentence.

Sec. 29. Rules; examinations; probationary employment: intoxicating liquors; age limit.

I. The chief warden, 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. 1955, c. 290, § 7)

Effect of amendment.—The 1955 amendment substituted “chief warden” for “deputy commissioner” in subsection I. As the rest of the section was not changed by the amendment, only subsection I is set out.

Guide**Sec. 36. Applications for guide's licenses made to commissioner in writing; fees; revocation of license.**

A fee of \$8.50 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.

(1955, c. 153, § 1.)

Effect of amendment.—The 1955 amendment, effective January 1, 1956, increased the resident guide's license fee provided for in the fifth paragraph from \$7.50 to \$8.50. As the rest of the section was not changed by the amendment, only the fifth paragraph is set out.

Sporting Camps.**Sec. 37. Sporting camps defined; regulation by commissioner.**

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. Such written consent shall be filed once by the applicant, and so far as the particular applicant is concerned, it shall remain effective from year to year until the commissioner is notified in writing by the landowner or applicant that the consent has been withdrawn. The holder of each license issued under the provisions of this section shall report the number of residents and nonresidents 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.

(1955, c. 113.)

Effect of amendment.—The 1955 amendment inserted the third sentence of the second paragraph. As the rest of the section was not changed by the amendment, only the second paragraph is set out.

**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. Juris-
diction 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.

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 or agent in 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 or agent in 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. 1955, c. 290, § 7-A)

III. For the purpose of issuing licenses, the commissioner may appoint clerks of towns or such other agents as he deems necessary, and shall determine the period during which they shall act. The license shall be issued upon payment of \$2.75, and the clerk or agent shall retain 25¢ 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. 1955, c. 153, § 2; c. 290, § 7-A)

V. There shall be 4 classes of nonresident fishing licenses. A license for the entire season shall cost \$8.75. A 15-day license shall cost \$5.75 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, 25¢ 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 \$3.75, 25¢ 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 25¢ to the clerk or agent who issues same. (1947, c. 355, § 3. 1949, c. 3. 1953, c. 394, § 13. 1955, c. 153, § 3)

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, or his or her spouse or minor child who is at least 16 years of age. 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 may be issued by the clerk or agent in 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. 1955, c. 9; c. 290, § 7-B)

Effect of amendments.—This section was amended three times by the Public Laws of 1955. Chapter 9, effective on its approval, February 24, 1955, added at the end of the first sentence of subsection XII the words "or his or her spouse or minor child who is at least 16 years old." Chapter 153, effective January 1, 1956, increased the license fees in subsection III and in the second, third and seventh sentences of subsection V. Chapter 290 again increased the fee in subsection III, to the same amount to which it had been raised by c. 153, substituted the present first sentence of subsection III for the former first and second sentences, and inserted the

words "or agent" in the present second sentence. Chapter 290 also substituted the words "or agent in" for the word "of" in two places in the second sentence of subsection II and in the third sentence of subsection XII and substituted "may" for "shall" in the third sentence of subsection XII. Chapter 290 set out subsection XII without referring to or incorporating the change made by c. 9; however, both amendments have been given effect in the subsection as set out above. As the rest of the section was not changed by the amendments, only subsections II, III, V and XII are set out.

Sec. 42. Closing fishways and waters near hatcheries and feeding stations to fishing.—No person shall fish within 150 feet of any dam in which a fishway is located; 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.

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. 374, § 2. 1955, c. 290, § 8.)

Effect of amendment.—The 1955 amendment substituted the words "dam in which a fishway is located" for the word "fish-

way" in the first paragraph and added the second paragraph. See note to § 43 of this chapter.

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. (R. S. c. 33. 1945, c. 304; c. 374, § 2. 1949, c. 237. 1953, c. 394, § 16. 1955, c. 290, § 9.)

Effect of amendment.—The 1955 amendment repealed the former second paragraph of this section. The amendatory act

added an indetical paragraph to § 42 of this chapter.

Sec. 44. Open seasons for fishing.

I. For salmon, trout, togue and white perch in lakes and ponds, there shall be an open season in waters naturally free of ice or any portions of waters naturally free of ice from April 1st until September 30th; (1955, c. 133)

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 per day on single-hooked artificial lures only may be taken 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; (1953, c. 10. 1955, c. 33)

III. There shall be an open season for salmon, trout, togue and white perch in all the rivers above tidewater in waters free of ice from April 1st until September 15th; (1949, c. 238. 1953, c. 394, § 17. 1955, c. 133)

IV. There shall be an open season for salmon, trout, togue and white perch in brooks and streams in waters free of ice from April 1st until August 15th.

[1955, c. 133]. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 238. 1953, c. 10; c. 394, § 17. 1955, cc. 33, 133.)

Effect of amendments.—The first 1955 amendment inserted in the proviso subsection II the words “per day on single-hooked artificial lures,” and deleted the words “by fly fishing in any 1 day,” formerly appearing after the word “taken” in the same proviso. It also deleted the former last sentence of subsection II, relating to a closed season for bass in the inland waters of Cumberland county. The second 1955 amendment substituted, in sub-

section I, the words “in waters naturally free of ice or any portions of waters naturally free of ice from April 1st” for the words “from the time the ice is out in the spring season.” In subsections III and IV, the second amendment substituted the words “in waters free of ice from April 1st” for the words “from the time the ice is out in the spring season.” Only the subsections changed by the amendments are set out.

Sec. 45. Size of fish and number and weight of catch.—No person shall take, catch, kill or have in possession more than 10 fish of the salmon, trout, togue or black bass species in the counties of Franklin and Somerset during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, and which 10 fish shall not exceed a total weight of $7\frac{1}{2}$ pounds in all, unless the last fish caught increases the combined weight thereof to more than $7\frac{1}{2}$ pounds, except as provided for by rules and regulations of the department under section 9.

No person shall take, catch, kill or have in possession more than 15 fish of the salmon, trout, togue or black bass species in the counties of Aroostook, Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Waldo, Washington and York during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, and which 15 fish shall not exceed a total weight of $7\frac{1}{2}$ pounds in all, unless the last fish caught increases the combined weight thereof to more than $7\frac{1}{2}$ pounds, except as provided for by rules and regulations of the department under section 9.

No person shall take, catch, kill or have in possession more than 25 white perch taken from the waters of Franklin, Kennebec, Piscataquis and Somerset counties and Mattawamkeag lake in Aroostook county, except as provided for by rules and regulations of the department under section 9.

No person shall have in his possession at any time, except as provided for by rules and regulations of the department under section 9:

- I. A salmon or togue less than 14 inches in length;
- II. A trout less than 6 inches in length;
- III. A black bass less than 10 inches in length.

Whenever any waters have a special bag limit, no person shall have in possession more than 1 day's bag limit taken from those waters.

No person shall have in his possession any salmon, trout, togue 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 one 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 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 under section 9. (R. S. c. 33. 1945, c. 374, § 2. 1951, cc. 48, 106. 1953, c. 394, §§ 18, 19, 20. 1955, c. 385.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 49. Sale of certain fish.

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. Whenever any person, partnership or corporation sells such fish in more than 1 wholesale or retail outlet, each shall be licensed.

(1955, c. 290, § 10.)

Effect of amendment.—The 1955 amendment added the last sentence of the second paragraph. As the rest of the section was not changed by the amendment, only the second paragraph is set out.

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 gig 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 lines 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.

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. 1955, c. 115.)

Effect of amendment.—The 1955 amendment deleted the former fifth paragraph, which permitted gill nets of not larger than 1¼ inch mesh to be used in the taking of white fish in certain waters.

Sec. 53. Use and possession of gill nets.—It shall be unlawful for anyone to use or have in possession a gill net on any of the inland waters of the state. (1955, c. 81.)

Effect of amendment.—The 1955 amendment substituted "inland waters of the state" for "waters of the Fish River Chain of Lakes in county of Aroostook" in the first paragraph. As the second paragraph was not changed by the amendment, it is not set out.

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. (R. S. c. 33. 1945, c. 374, § 2. 1951, c. 133. 1953, c. 394, § 24. 1955, c. 290, § 11.)

Effect of amendment.—The 1955 amendment deleted the former last sentence of this section, which required that each line or trap have attached to it the name and address of the owner.

Sec. 63. Minnows for bait; dealers licensed.

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, umbrella minnow net 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.

(1955, c. 180.)

Effect of amendment.—The 1955 amendment inserted in the second sentence of the second paragraph the words "umbrella minnow net." As only the second paragraph was changed, the first and third paragraphs are not set out.

Sec. 66. Boats and canoes inspected and registered; operators licensed; accidents investigated; penalties; jurisdiction.—The owner of every boat or canoe maintained for hire upon any inland body of water to which the public has access, including duck skiffs and boats propelled by outboard motor but excluding boats under the jurisdiction of the public utilities commission as set forth in chapter 49, before renting or offering for hire such boat or canoe shall apply and obtain from the commissioner a certificate authorizing its use for such purpose. No certificate shall be issued until the commissioner, through the warden service, shall have inspected such boat or canoe and found it to be properly painted, repaired and fitted with oars or paddles, as the case may be. Any certificate granted shall terminate on the last day of the calendar year in which it is issued. The commissioner, through the warden service, shall fix the number of persons who may be lawfully transported in each such boat or canoe at any one time. The owner of such boat or canoe shall cause the registration number and figures indicating the capacity established to be displayed upon each side of the bow, in numerals painted or attached thereto of suitable size and color and so placed as to be always plainly visible.

Every operator of a boat or canoe propelled by outboard motor and carrying passengers for hire shall be examined by the commissioner, through the warden service as to his qualifications, and if satisfied therewith, the commissioner shall grant him a license for such operation, which license shall expire on the last day of the calendar year in which it is issued unless sooner revoked by the commissioner for intemperance, incompetency or willful violation of duty. The commissioner may grant a renewal of such license upon written application and without further examination. Said license shall be in the possession of the operator at all times when he is carrying passengers for hire in such boat or canoe.

Any boat or canoe kept for use or rental in connection with any camp, cottage or real estate shall be considered as kept for hire; provided, however, that any boat or canoe kept for use in connection with any boys' or girls' camp licensed by the department of health and welfare, and any owner or operator thereof, shall

be exempted from the provisions of this section unless such boat or canoe is rented or offered for hire to the general public.

The commissioner is hereby empowered to make any rules and regulations necessary for the proper administration of this section, including lighting of boats and canoes used in the nighttime, examination for operator's license, requirements for registration of boats or canoes, and shall set reasonable fees for such registration.

In case of damage to any boat or canoe subject to the provisions of this section by collision, fire or explosion, the commissioner shall forthwith, and in other cases in his discretion the commissioner may, through the warden service, investigate the cause thereof, and if found to have been occasioned by a violation of any of the aforesaid provisions or of the orders, regulations and requirements of said commissioner, he shall so certify to the attorney general and to the county attorney in the county where the offense was committed, together with the names of the parties and witnesses, and prosecution shall be instituted forthwith against all parties liable.

Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. Trial justices shall have jurisdiction concurrent with municipal courts and the superior court of all complaints and prosecutions under the preceding sections. (1949, c. 366. 1951, c. 188. 1955, c. 242.)

Effect of amendment.—The 1955 amendment, effective January 1, 1956, rewrote this section.

Hunting and Trapping. Definitions.

Sec. 68. Hunting, alien, jack-light, trapping, resident and game management.

VI. "Game management" is the art or science of producing wild animals and birds and of improving wildlife conditions in the state. It may specifically include the following:

- A.** Regulation of hunting and trapping.
- B.** Environmental controls (control of water, food or cover, special features and animal diseases).
- C.** Research or investigations to provide a basis for sound management in Maine.
- D.** Manipulation of hunting pressure.
- E.** Establishment of game lands (parks, forests, refuges, game management areas, etc.).
- F.** Predator control.
- G.** Artificial replenishment (game farming and restocking).
- H.** Introduction of exotic species of wild animals or birds where needed. (1955, c. 290, § 12)

VII. A "game management area" is any tract of land or body of water owned or leased by the department for the purposes of game management as defined in subsection VI or created by an act of the legislature. (1955, c. 290, § 13)

VIII. "Sunrise" and "sunset" shall be the time given in the Maine farmers almanac. [1955, c. 290, § 13]. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 29. 1955, c. 290, §§ 12, 13.)

Effect of amendment.—The 1955 amendment rewrote subsection VI and added subsections VII and VIII. As the rest of

the section was not changed by the amendment, only subsections VI, VII and VIII are set out.

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 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 \$1 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 nonresident for a trapping license shall be \$200. 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. 1955, c. 101; c. 405, § 31.)

Effect of amendments.—The first 1955 amendment deleted the words "hunts or" formerly appearing after the word "whoever" near the middle of the first sentence, substituted "\$1" for "\$2" near the end of the first sentence and deleted the words "except that the fee for a nonresident or alien for a license to trap bear only shall

be \$10," formerly appearing at the end of the second sentence. The second 1955 amendment again substituted "\$1" for "\$2" near the end of the first sentence, but did not refer to or incorporate the other changes made by the first amendment. Both amendments have been given effect in the section as set out above.

Sec. 71. Use of snares; guns set on swivels; poisons; traps labeled; bear traps enclosed.—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. The commissioner or his duly appointed agents in an emergency may use such devices or methods as are necessary for control of wild dogs or other wild animals when approved by the advisory council.

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 by at least 2 strands of barbed wire, one 2 and one 4 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 substantial signs with the words "BEAR TRAP" and "TRAPPE D'OURS" with letters not less than 3 inches in height, said signs to be spaced around each enclosure at intervals of not more than 20 feet and each sign securely fastened to the top strand of barbed wire.

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. 1955, c. 145; c. 290, § 14.)

Effect of amendments.—The first 1955 changes therein. The second 1955 amendment rewrote the last sentence of the first paragraph and made other paragraph.

Sec. 72. Poisons not used for purposes of killing animals.

The commissioner or his duly appointed agents may, however, in an emergency use such devices or methods as are necessary for control of wild dogs or other wild animals when approved by the advisory council. (R. S. c. 33. 1945, c. 374, § 2. 1953, c. 394, § 32. 1955, c. 290, § 15.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed by the amendment, it is not set out.

Hunting. Revocation of Hunting and Fishing Licenses. Intoxication. Sunday Hunting. Night Hunting, etc. Silencers. Automatic Firearms. Importing of Wild Birds or Animals.

Sec. 73. Hunting licenses for residents and nonresidents; fees.

III. For the purpose of issuing licenses, the commissioner may appoint clerks of towns or such other agents as he deems necessary and shall determine the period during which they shall act.

The license may be issued to a resident by the clerk or agent in the town in which the applicant resides, or if domiciled in an unorganized territory, then by the clerk or agent in the nearest town, upon payment of a fee of \$2.75, of which 25¢ shall be retained by the town clerk or agent. 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 \$5.25, 25¢ to be retained by the town clerk or agent.

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 25¢ for each license issued. (1945, c. 374, § 2. 1947, c. 355, § 5. 1949, c. 349, § 59. 1955, c. 153, § 4; c. 290, § 15-A)

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 \$25.25, 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 25¢ 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 \$25.25 nonresident hunting license. (1947, c. 355, § 6. 1949, c. 21. 1953, c. 394, § 34. 1955, c. 153, § 5)

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. Any nonresident over the age of 12 years may purchase the \$25.25 license to hunt wild birds and animals, including deer; provided, however, that between the ages of 12 and 16, the application shall be accompanied by the written consent of his or her parent or guardian; and provided further, that such nonresident must be accompanied at all times while hunting by parent or guardian or an adult approved by parent or guardian.

Any resident between the ages of 10 and 16 years may hunt with firearms without a license, if accompanied at all times while hunting by a parent or guardian or by an adult approved by parent or guardian.

No resident under the age of 10 years and no nonresident under the age of 12 years may hunt wild birds or animals with firearms at any time. (1947, c. 355, § 8. 1953, c. 394, § 35. 1955, c. 290, § 16)

X. All funds derived from the sale of licenses under the provisions of this chapter shall be used for the management, propagation and protection of all birds, animals, fish life, conservation education and other expenses incident to 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. 1955, c. 290, § 17]. (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. 1955, c. 153, §§ 4, 5; c. 290, §§ 15-A, 16, 17.)

Effect of amendments.—The first 1955 amendment, effective January 1, 1956, increased the license fees in the second and third paragraphs of subsection III and in the second and third paragraphs of subsection V. The second 1955 amendment again increased the fees in the subsection III, to the same amounts to which they had been raised by the first amendment. In subsection III the second 1955 amend-

ment also rewrote the first paragraph, substituted "may" for "shall" near the beginning of the first sentence of the second paragraph and inserted in that sentence and in the third paragraph the words "or agent in" and "or agent." The second 1955 amendment also rewrote subsection VII and the first paragraph of subsection X. Only the subsections changed by the amendments are set out.

Sec. 80. Vehicles required to stop upon signal.—It shall be unlawful for the operator of any 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. 1955, c. 290, § 18.)

Effect of amendment.—The 1955 amendment deleted the word "motor" before the word "vehicle" in line two.

Sec. 82. Repealed by Public Laws 1955, c. 406, § 2.

Cross reference.—See c. 36, § 94-A, for present provisions re kindling out-of-door fires.

**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 and pheasants.—No person shall hunt or have in his possession any eagle, Hungarian partridge, sharp-tailed grouse, chukar partridge and bob-white quail.

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. No person shall 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.

During the open season, it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 partridge or 2 pheasants taken, shot or killed in any one day, and not more than 8 partridge and not more than 2 pheasants in possession at any one 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. 1955, c. 209, §§ 1, 2; c. 241; c. 290, § 19.)

Effect of amendments.—This section was amended three times by the Public Laws of 1955. Chapter 209 eliminated provisions in the second paragraph for a bag limit on partridge and pheasant and added the present third paragraph. Chapter 241, which set out the entire section without giving effect to c. 209, substituted the words "sharp-tailed grouse or bob-white quail" for the words "or capercaillie, cock of the woods or any black game" at the end of the first paragraph, and deleted the

former third paragraph, which provided for an open season and bag limit on woodcock. Chapter 290, § 19, which made no mention of either of the earlier amendments, substituted the words "sharp-tailed grouse, chukar partridge and bob-white quail" for the words "or capercaillie, cock of the woods or any black game" at the end of the first paragraph, and again deleted the former third paragraph. All of the amendments have been given effect in the section as set out above.

Sec. 85-A. Open season on wild turkeys.—There shall be no open season on wild turkeys; except that beginning in 1960 there shall be an open season on wild turkeys beginning October 13 for a period of 15 days, Sundays not included. During the open season no person shall take or kill more than one wild turkey, of either sex, in any one day or have more than one in possession at any one time. (1955, c. 297.)

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, except under a permit issued in accordance with the provisions of the Federal Migratory Bird Treaty Act (Act of Congress approved July 3, 1918). 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 great-horned owl, kingfishers, and cormorants or shag, and the European starling are not included

among the birds therein protected; provided, however, nothing herein contained shall be deemed to make it unlawful for the owner or occupant of land to kill hawks or owls when in the act of destroying poultry; 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, dogwits, 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. 1955, c. 290, § 20; c. 342.)

Effect of amendments.—The first 1955 sentence “hawks” and “owls” and inserted amendment added the exception clause at “great-horned owl” and “European starling.” It also inserted the proviso relating to killing hawks or owls.

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. 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 all Swan Island in the town of Swan's Island, which last mentioned town is in the county of Hancock, and on Cross Island and Scotch Island, which last mentioned places are in Washington county, and in the town of Isle au Haut, and the islands within the confines of the town of Isle au Haut, which last mentioned town 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, 1957.

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, 1958.

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, 1962.

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. 1955, cc. 6, 7, 8, 112, 238.)

Effect of amendments.— This section was amended five times by the Public Laws of 1955. Chapter 6 substituted the words "in the town of Isle au Haut, and the islands within the confines of the town of Isle au Haut, which last mentioned town" for the words "on the Isle au Haut, which last mentioned island" in the third paragraph. Chapter 7 substituted "1957" for "1955" in the sixth paragraph, c. 8 substituted "1958" for "1956" in the sev-

enth paragraph, and c. 112 substituted "1962" for "1957" in the eighth paragraph. Chapter 238 deleted from the third paragraph the references to the towns of Deer Isle and Stonington. Chapter 238 set out the third paragraph without referring to or incorporating the changes made by c. 6; however, both of the amendments have been given effect in the third paragraph of the section as set out above.

Sec. 96. Disposal of deer.— The resident owner of every motor vehicle which has been substantially damaged by collision with a deer shall, within 24 hours thereafter, report the accident to a 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 to be possessed and consumed only within the immediate family of the owner of said vehicle. (1953, c. 145. 1955, c. 158.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 105. Fish, game and fur-bearing animals; transportation of, by aircraft.

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, may have his pilot's certificate suspended by the aeronautics commission for not less than one year nor more than 2 years. (R. S. c. 33. 1945, c. 374, § 2. 1949, c. 162. 1951, c. 284. 1955, c. 400.)

Effect of amendment.—The 1955 amendment substituted "may" for "shall" in line seven of the last paragraph. As only this

paragraph was changed, the first and second paragraphs are not set out.

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, except in the counties of Franklin, Oxford, Knox, Somerset, Penobscot, Piscataquis, Aroostook and York, where there shall be a closed season from the 1st day of April 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 one

day and not more than 8 rabbits so shot or killed in possession at any one time. (1955, cc. 102, 124.)

Effect of amendments.—The first 1955 amendment deleted a special provision relating to Somerset county formerly appearing at the end of the second paragraph, and the second 1955 amendment

added the exception clause to the first paragraph. As the rest of the section was not changed by the amendments, only the first and second paragraphs are set out.

Sec. 107. Closed time on gray squirrels; bag limit.—There shall be a closed season on gray squirrels from the 16th day of November to the 30th day of the following September, both dates inclusive.

During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 squirrels taken, shot or killed in any one day and not more than 8 squirrels shot or killed, in possession at any one time.

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. 1955, c. 74.)

Effect of amendment.—The 1955 amendment rewrote this section.

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, beginning on the 1st Monday of October and ending the 2nd Saturday thereafter, both days inclusive, for the purpose of hunting deer with bow and arrow only. (1951, c. 350. 1953, c. 172, § 1; c. 383, §§ 1, 2. 1955, c. 178.)

Effect of amendment.—The 1955 amendment deleted "and all of Waldo county" after the word "railway" in line three. It also changed the period of the open sea-

son from "15 days" to a period beginning the first Monday in October and "ending the 2nd Saturday" thereafter.

Sec. 109. Licenses; 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 beginning the 1st Monday in October and ending the 2nd Saturday thereafter, both days inclusive. 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.

The provisions of subsection I of section 73 shall not apply to archery licenses.

No resident under the age of 10 years and no nonresident under the age of 12 years shall hunt with bow and arrow at any time. Any resident between the ages of 10 and 16 and any nonresident between the ages of 12 and 16, who hunts deer under the provisions of section 108, shall purchase an archery license with the written consent of parent or guardian and shall be accompanied at all times while hunting by parent or guardian or an adult approved by parent or guardian. (1951, c. 350. 1953, c. 172, § 2. 1955, c. 76.)

Effect of amendment.—The 1955 amendment substituted the words "beginning the

1st Monday in October and ending the 2nd Saturday thereafter, both days inclu-

sive" for the words "of 15 days, including such 1st Monday" at the end of the first sentence. It also added the second and third paragraphs.

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 deer shall be shot from a raised platform or standing tree. (1951, c. 350. 1953, c. 172, § 3. 1955, c. 156.)

Effect of amendment.—The 1955 amendment which read: "No bow shall be strung while carried in any vehicle." deleted the former fifth sentence,

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; provided, however, the commissioner may issue a permit to any individual to keep in captivity a skunk or raccoon and may revoke any permit so issued at any time. All permits so issued shall be valid only for the calendar year in which they were issued.

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 28, inclusive, of each year.

There shall be an open season on fisher from November 16, 1955 to December 15, 1955, both dates inclusive, and from November 16, 1956 to December 15, 1956, both dates inclusive, in the area described as follows: North of a line formed by Route 5 from the New Hampshire border near Fryeburg to the junction of the Appalachian trail near south arm, thence along the Appalachian trail to the junction of the Canadian Pacific railroad near Onawa lake (Piscataquis county); thence easterly along the Canadian Pacific railroad to junction of Bangor and Aroostook railroad at Brownville Junction; thence, northeasterly along the Bangor and Aroostook railroad to the junction of Route 11 at Grindstone; and west of Route 11 from Grindstone to the Canadian border at Fort Kent. The commissioner, with the approval of the advisory council, shall have the power to close any or all of the above described open area if it becomes necessary during the November 16, 1956 to December 15, 1956 season.

It shall be unlawful for any person to have in possession at any time any fisher, or part thereof, except as expressly permitted by this section. It shall also be unlawful for any person to sell, give away, buy, accept as a gift, offer for transportation or transport any fisher skin or fisher skins, unless each skin is tagged and marked as directed by the commissioner.

Any fisher skin or fisher skins that come into this state in any manner from

any other state or country must have the official stamp, tag or seal of the state or country from which said skin or skins were taken. All fisher skins shall be presented for tagging or marking within 10 days from the closing of the so-called open season.

All fisher skins must be presented to the warden supervisor in whose division they were caught and if said supervisor is reasonably satisfied that the fisher presented were legally trapped in his division, he shall tag and mark the same in the manner as directed and with the materials furnished by the commissioner. A fee of 50¢ must be paid by the trapper for each skin tagged and marked.

There shall be no open season on sable (marten).

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. 1955, c. 229)

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 skunks may be hunted at night from September 1st to December 15th of each year and raccoons may be hunted at night from August 15th to December 15th of each year under the following provisions: when accompanied by a dog; provided that an electric flashlight of not more than 3 cells may be used 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, 1955, c. 249)

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. 1955, cc. 75, 229, 249.)

Effect of amendments. — This section was amended three times by the Public Laws of 1955. Chapter 75 added the proviso to the first sentence of the second paragraph and also added the second sentence of the second paragraph. Chapter

229 rewrote all of subsection I except the first four paragraphs and the last paragraph. Chapter 249 changed the time for hunting at night in subsection IV and deleted therein references to "a kerosene light."

Sec. 117-A. 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 the 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 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. (1955, c. 290, § 22.)

Sec. 119. Open season on beaver; taking; stamping; transportation.—There shall be an annual open season on beaver from January 1 to February 28, inclusive, except in those areas declared closed or shortened by the commissioner.

Before the closing of an area to beaver trapping shall take effect, the commissioner shall cause notice of such proposed closed area to be published at least 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 closed areas with the clerk of the town or plantation in which said land is located.

During such open season beaver may be trapped without the consent of the landowner in unorganized territory, and only with the consent of the landowner in organized territory.

No person shall take beaver anywhere in the state at any time except during such open season, except that the commissioner may cause department personnel to take nuisance beaver at any time without the consent of the landowner.

It shall be unlawful for any person to have in possession at any time any beaver, or part thereof, except as expressly permitted by this section and section 15. 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 \$1 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 \$1 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 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 or set or tend any trap within 10 feet of the same. No person shall molest or destroy any beaver house or set any trap within 25 feet of the same. 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. 1955, c. 150.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 122. Bounty on bears.—For a period of 2 years, from August 13, 1955, except in that portion of Franklin county north of the Appalachian trail, 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.
(1955, c. 317.)

Effect of amendment.—The 1955 amendment changed the date in the first paragraph from 1953 to 1955. Prior to the amendment all of Franklin county was

excepted from the section. As only the first paragraph was changed by the amendment, the rest of the section is not set out.

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

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. All persons aiding or assisting another in buying the skins or heads of deer shall be considered as engaged in the business of buying the skins or heads of deer and must procure a license therefor. 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. 1955, c. 290, § 21.)

Effect of amendment.—The 1955 amendment inserted the second sentence.

Jurisdiction of Offenses. Court Proceedings. Penalties.

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 \$250 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.

(1955, c. 89.)

Effect of amendment.—The 1955 amendment substituted “\$250” for “\$100” in the first sentence. As the rest of the section was not changed by the amendment, only the first paragraph is set out.

Game Preserves and Sanctuaries.**Sec. 149. Game preserves and sanctuaries.**

Bartlett’s Island: No person shall at any time hunt, pursue, shoot at or kill any wild bird or wild animal on Bartlett’s Island, in the county of Hancock. (1955, c. 364)

Jefferson and Whitefield: The following described territory situated in the towns of Jefferson and Whitefield, in the county of Lincoln, 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. (1955, c. 237)

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 the Little Madawaska river meets said highway and extending in an easterly and northerly direction along the Little Madawaska river to a point where the river and the Bangor & Aroostook R. R. meet 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 thence in a southeasterly direction along highway 161 to point of beginning; the above described area containing approximately 12,000 acres. (1949, c. 76. 1955, c. 45)

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 Josias river meets said highway No. 1 in the town of Wells, thence southwesterly along said Josias river to the Maine turnpike in the town of York, thence northerly along said Maine turnpike 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. (1955, c. 277)

Effect of amendments. — This section Laws of 1955. Chapter 45 rewrote the was amended four times by the Public paragraph relating to Stockholm Game

Preserve. Chapter 237 deleted from the paragraph relating to Jefferson and Whitefield the part of the description consisting of the names of the landowners. Chapter 277, in the paragraph relating to Wells and York Game Preserve, substituted "Josias river" for "Agamenticus road" in lines five and six, and "Maine turnpike" for "logging road, so called" in line six. It

also changed the words "westerly and northerly along said logging road" in the same paragraph to read "northerly along said Maine turnpike." Chapter 364, effective on approval May 17, 1955, inserted in alphabetical order the paragraph relating to Bartlett's Island. Only the paragraphs added or changed by the amendments are set out.

Field Trials for Retrieving Dogs.

Sec. 151. Repealed by Public Laws 1955, c. 290, § 22.

Cross reference.—For present provisions re field trials for retrieving dogs, see § 117-A of this chapter.

Chapter 38.

Department of Sea and Shore Fisheries.

Sections 122-126. Tuna. Seals. Marine Worms. Sea Moss.

Fish Packing.

Sec. 23. Repealed by Public Laws 1955, c. 23.

Sec. 24-A. Size of herring.—Except for use as bait for fishing, it shall be unlawful for any person, firm or corporation to take from the coastal waters of Maine, or to sell, offer for sale, purchase, transfer in any manner, use, process, dispose of in any way or have in his possession for any purpose whatsoever herring less than 4 inches long, overall length measured from one extreme to another; except that when herring under 4 inches in length are mixed with longer herring and the herring of prohibited size represent less than 25% of the lot taken at any one time, sale or purchase, the foregoing provisions in this paragraph shall not apply. The tolerance of 25% herein set out shall be determined by numerical count of $\frac{1}{2}$ bushel of herring for each 500 bushels of herring or fraction thereof, taken at random from various parts of said lot. The commissioner of sea and shore fisheries and the commissioner of agriculture shall cooperate in the enforcement of the provisions of this section.

Any person, firm or corporation violating any of the provisions of this section shall be punished by a fine of not less than \$100 nor more than \$500 for each offense. (1955, c. 304.)

Regulation of Shellfish Industry.

Sec. 39-A. Procedure for propagation of quahogs.—A person, firm or corporation, who holds a permit to cultivate shellfish granted by a town, may apply for sub-legal quahogs to the municipal officers of a town or city whose flats are occupied by a sub-legal population of hard-shelled clams or quahogs. Such application shall include a description of the discrete area from which seed quahogs or hard-shelled clams are to be obtained and a further description of the means by which said seed quahogs or hard-shelled clams shall be harvested for transplanting purposes. No municipal permit shall be granted until after a public hearing, due notice of which has been posted in 3 or more public places and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least 10 days before the time fixed for the hearing, stating the name and residence of the applicant, the date of the filing of the applica-