

# MAINE STATE LEGISLATURE

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June 26, 1941

Edward I. Gross, Esquire  
44 Central Street  
Bangor, Maine

Dear Brother Gross:

Mr. Archer L. Grover, Deputy Commissioner of Inland Fisheries and Game, has shown us a copy of your letter of June 21st relative to paying damages to growing crops by deer or other protected animals.

I notice that you question the ruling of the Attorney General with reference to the provisions of Chapter 190, P. L. 1939 and state that in your particular case the law does permit recovery. The statute in question provides that: "Any person who claims a damage to growing crops or orchard by deer or other protected animals or birds shall within 3 days after he discovers such damage is being done report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said crop or orchard is being damaged."

Thus far there does not appear to be any provision for payment of the damage. The balance of said chapter is as follows:

"Any person who suffers property damage caused by deer or moose, other than damage to cultivated crops or orchards, shall within 12 hours thereafter report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said damage and extent thereof, the same shall be paid as in the case of damage to growing crops."  
\*\*\*\*\*"

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It nowhere appears in either of these sections that there is any provision for payment of the damage by the Commissioner. The law is silent as to what fund the damage can be paid from, consequently, on complaint made to the Attorney General with reference to the matter, he was obliged to make the ruling which was conveyed to you by Mr. Grover on March 5th.

The matter was called to the attention of the last Legislature and an amendment was passed providing that: "Said commissioner shall thereupon cause to be made such investigation as is necessary to determine the facts, and, if he finds that damage has been done as alleged, he shall authorize payment for said damage."

Trusting that the foregoing will explain to you the reasons for the General's ruling, I am

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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