

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2047

S. P. 646

In Senate, January 22, 1976

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**RESOLVE, Authorizing Ladd Farms, Inc. to Bring Civil
Action Against the State of Maine.**

Ladd Farms, Inc.; authorized to sue the State of Maine. Resolved: That Ladd Farms, Inc., which has had extensive crop damage due to bears, a protected animal, in 1973, 1974 and 1975, is authorized to bring an action in the Superior Court for the County of Oxford, within one year from the effective date of this resolve, at any term thereof against the State of Maine for damages, if any, and the complaint issuing out of said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days after issue by the sheriff or either of his deputies in any county of the State of Maine; and the conduct of said action shall be according to the practice of actions and proceedings between parties in said Superior Court, and the liabilities of the parties and elements of damage, if any, shall be the same as the liabilities and elements of damage between individuals; and the Attorney General is authorized and designated to appear, answer and defend said action. Any judgment that may be recovered in said civil action shall be payable from the General Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court, and costs may be taxed for the said Ladd Farms, Inc. if it recovers in said action. Any recovery in said action shall not be in excess of \$35,000, including costs. Hearing thereon shall be before a justice, without a jury; said justice to be assigned by the Chief Justice of the Supreme Judicial Court.

STATEMENT OF FACT

For the past several years, bears have destroyed more than 20% of Ladd Farms, Inc.'s silage corn crop at Rumford Point. For the year 1975, Ladd

Farms, Inc. planted 450 acres of corn and received permission from the Department of Inland Fisheries and Wildlife to kill bears. Ladd Farms, Inc. has killed numerous bears within the past years. However, the crop damage continues. The game wardens have been in the area and verify the extensive crop damage by bears. The cost of plowing, planting and spraying is approximately \$200 per acre, or \$90,000. A 20% crop damage is equivalent, therefore, to a damage of \$18,000 per year.