



## 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 907

H.P. 637

House of Representatives, February 28, 1991

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representative NUTTING of Leeds, Senator TWITCHELL of Oxford and Senator WEBSTER of Franklin.

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Prevent Damage to Agricultural Crops, Beehives and Livestock Caused by Wildlife and to Compensate Agricultural Producers for Losses.

Printed on recycled paper

	Be it enacted by the People of the State of Maine as follows:
2	12 MRSA §7502, sub-§§5 to 8 are enacted to read:
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,	5. Wild Animal Damage Prevention Program, The commissioner
б	shall develop a program known as the Wild Animal Damage
8	Prevention Program. The purpose of this program is to prevent wild animals, including but not limited to deer, bear and coyotes, from causing damage to or loss of crops, beehives and
10	livestock produced for profit.
12	<u>A. The Wild Animal Damage Prevention Program is available to all eligible agricultural commodity producers.</u>
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10	B. To be eligible for the Wild Animal Damage Prevention
16	<u>Program, an agricultural commodity producer must demonstrate</u> that damage has occurred or is likely to occur and must
18	permit hunting on that producer's land.
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20	C. The commissioner may pay a participant up to 75% of the
	expenses incurred to develop and implement a program to
22	prevent wild animal damage. Eligible expenses include cost
	of construction, operation, maintenance or other measures to
24	prevent wild animal damage.
26	D. The commissioner may provide technical assistance to an
20	agricultural commodity producer in developing a plan to
28	prevent wild animal damage. Wildlife protection measures
	included in the plan must be carried out by and be in full
30	compliance with the department and requirements stipulated
	by the department.
32	6 Wild Drivel Desers Claim Desers The completioner
34	<u>6. Wild Animal Damage Claim Program. The commissioner</u> shall develop a program known as the Wild Animal Damage Claim
51	Program. The purpose of this program is to compensate
36	agricultural commodity producers who grow crops, tend beehives
	and grow livestock for the extraordinary losses caused by wild
38	animals, including but not limited to deer, bear and coyotes.
40	A. The Wild Animal Damage Claim Program is available to all
	agricultural commodity producers.
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	B. Wild animal damage claims may be paid only to an
44	agricultural commodity producer that participates in the
<u> </u>	<u>Wild Animal Damage Prevention Program. Wild animal damage</u>
46	<u>claims may be paid only to an agricultural commodity</u> producer whose losses exceed \$250 in any calendar year.
48	producer whose losses exceed \$250 in any calendar year. Each producer may receive a maximum of \$5,000 in any
+U	calendar year. A producer must be using normal agricultural
50	practices for the production of crops, beehives and
	livestock to be eligible for any payment.

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C. The commissioner shall develop, or cause to be developed, a procedure for documenting crop, beehive and livestock damage. The commissioner may seek assistance from other state and federal agencies in developing and implementing the procedure.

7. Wild Animal Damage Prevention and Claim Fund. There is established a nonlapsing, dedicated account known as the Wild Animal Damage Prevention and Claim Fund.

A. Fifty cents of the fee for any hunting license issued in this State must be deposited in the Wild Animal Damage Prevention and Claim Fund.

B. The commissioner shall utilize the Wild Animal Damage Prevention and Claim Fund to carry out the activities of the Wild Animal Damage Prevention Program and the Wild Animal Damage Claim Program.

8. Rule-making authority. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to implement the Wild Animal Damage Prevention Program, the Wild Animal Damage Claim Program and the Wild Animal Damage Prevention and Claim Fund.

## STATEMENT OF FACT

Wildlife damage to crops and livestock is estimated to cost agricultural commodity producers \$300,000 per year. Deer, coyotes, beavers, raccoons, wild birds and bears cause most of the damage to livestock and crops, including corn, grain, fruit orchards, nursery stock, beehives, cattle and sheep. Statewide damage continues to increase due to the increased population of wildlife and the resultant competition for food.

The current wildlife damage control programs are operated by the Department of Inland Fisheries and Wildlife, in cooperation with the Department of Agriculture, Food and Rural Resources, the University of Maine System, Cooperative Extension Service and the United States Department of Agriculture APHIS Program.

This bill establishes a comprehensive Wild Animal Damage 44 Prevention Program in order for farmers affected by wildlife damage in Maine to maintain wildlife population while protecting 46 agricultural resources. The Wild Animal Damage Prevention Program also allows for a Wild Animal Damage Claim Program. 48 Agricultural commodity producers who participate in the prevention program and sustain losses to livestock, beehives or 50 crops are eligible for compensation under the Wild Animal Damage Claim Program. To be eligible for either program, producers must

allow hunting on the premises.

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Funding for these programs is from an assessment of  $50 \not c$  of the fee from each hunting license issued.

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