

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 127

S.P. 29

In Senate, January 16, 2001

An Act to Change the Crop Damage by Nuisance Animal Requirements.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and
Senators: ABROMSON of Cumberland, CARPENTER of York, McALEVEY of York,
WOODCOCK of Franklin, YOUNGBLOOD of Penobscot, Representative: GOOLEY of
Farmington.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §7502, sub-§1**, as amended by PL 1981, c. 563, §2, is further amended to read:

6 **1. Permission to kill nuisance animals.** Except as provided
8 in subsection 5 and section 7504, the cultivator, owner,
10 mortgagee or keeper of any orchard or growing crop, except grass,
12 clover and grain fields, or the owner or occupier of land on
14 which such an orchard or crop are is located, may take or kill
deer or other wild animals night or day, when they are doing
substantial damage to the orchard or crop. For purposes of this
section, corn shall is not be considered grain.

16 **Sec. 2. 12 MRSA §7502, sub-§4**, as amended by PL 1979, c. 723,
§22, is further amended to read:

18 **4. Warden's certificate.** The game warden shall immediately
20 investigate the case and, if he the game warden is satisfied that
the deer or other wild animal was taken as provided in this
22 section, he the game warden shall give the person who killed the
deer or other wild animal a certificate of his the game warden's
24 finding in the matter. The certificate entitles the person to the
ownership of the carcass or carcasses, to be possessed and
consumed only within the immediate family of the owner of the
26 crops or the person who killed the deer or other wild animal. A
person may possess and consume only the first 2 carcasses of
28 deer, moose or bear killed or taken under this section. The
department shall take possession of any excess carcasses after
30 the first 2 carcasses of deer, moose or bear killed or taken
under this section.

32 **Sec. 3. 12 MRSA §7502, sub-§5** is enacted to read:

34 **5. Prohibited persons.** A person convicted of night hunting
36 pursuant to section 7406, subsection 5 within the past 10 years
may not take or kill a nuisance animal under this section.

38
40 **SUMMARY**

42 This bill prohibits a person convicted of night hunting
44 within the past 10 years from killing or taking nuisance animals
who are damaging crops or orchards. This bill also allows a
46 person who kills or takes nuisance animals to keep only 2 deer,
moose or bear carcasses, with the Department of Inland Fisheries
and Wildlife taking possession of any excess carcasses.