

# MAINE STATE LEGISLATURE

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L.D. 587

DATE: April 25, 2001 (Filing No. S- 84)

**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 168, L.D. 587, Bill, "An Act to Clarify Laws Pertaining to Nuisance Wildlife"

Amend the bill in section 2 in that part designated "§7502." in subsection 1 in the 7th and 8th lines (page 1, lines 28 and 29 in L.D.) by striking out the following: "in the act of doing substantial damage to the orchard or crop" and inserting in its place the following: 'doing-substantial-damage-to located within the orchard or crop where substantial damage to the orchard or crop is occurring'

Further amend the bill in section 2 in that part designated "§7502." by striking out all of subsection 2 and inserting in its place the following:

**2. Employment of agents.** ~~That person may authorize a member of his immediate family or someone employed by him to take or kill those deer or other wild animals. When he employs someone not domiciled on the land where the damage is being done to take or kill the deer or other wild animals, he shall apply to the a game warden in charge of the district in which the orchard or crop are located for permission to employ such a person and shall obtain permission from the warden in writing. When a person wants to employ someone outside of that person's immediate family to take or kill wild animals, that person shall contact a game warden. If the warden is satisfied that substantial damage is occurring, the warden may arrange for a department agent to alleviate the damage, when an agent is not available, may authorize a person who is knowledgeable and can perform the work in a reasonable, safe and proficient manner. Permission to take or kill wild animals may not be granted to any person whose license to hunt has been revoked or suspended, who is an habitual~~

**COMMITTEE AMENDMENT**

2 violator as defined in section 7001, subsection 13-A or who has  
3 been convicted of night hunting within the past 5 years.'

4 Further amend the bill in section 2 in that part designated  
5 "**§7502.**" in subsection 4 in the 7th line (page 2, line 11 in  
6 L.D.) by striking out the following: "person to the ownership of"  
7 and inserting in its place the following: 'person cultivator,  
8 owner, mortgagee or keeper of the orchard or growing crop to the  
9 ownership-of own'

10 Further amend the bill in section 2 in that part designated  
11 "**§7502.**" in subsection 4 in the last 3 lines (page 2, lines 13 to  
12 15 in L.D.) by striking out the following: "owner of the crops or  
13 other person designated in subsection 1 or the person who killed  
14 the deer-or-ether wild animal" and inserting in its place the  
15 following: 'owner-of-the-crops-or-the-person-who-killed-the-deer  
16 er-other-wild-animal cultivator, owner, mortgagee or keeper of  
17 the orchard or growing crop, or, in accordance with the labeling  
18 requirements for possession of deer, bear or moose, to transfer  
19 possession of those wild animals to another person. Any excess  
20 carcasses after the first 2 carcasses of deer, bear or moose  
21 killed or taken under subsection 1 or 2 must be distributed to  
22 recipients authorized through the Hunters for the Hungry Program  
23 established in section 7481 or as otherwise authorized by the  
24 game warden'

25 Further amend the bill by inserting after section 2 the  
26 following:

27 '**Sec. 3. 12 MRSA §7504, sub-§1, ¶B,** as enacted by PL 1983, c.  
28 440, §11, is amended to read:

29 B. The commissioner may issue a permit to any licensed  
30 beekeeper, or to a person entrusted with the custody of the  
31 beehives of a licensed beekeeper, authorizing that person to  
32 protect beehives from damage by bear.'

33 Further amend the bill in section 3 in subsection 4 in  
34 paragraph B in the 2nd line (page 2, line 30 in L.D.) by striking  
35 out the following: "wild animal" and inserting in its place the  
36 following: 'deer, bear or moose'

37 Further amend the bill by relettering or renumbering any  
38 nonconsecutive Part letter or section number to read  
39 consecutively.

40 Further amend the bill by inserting at the end before the  
41 summary the following:

**FISCAL NOTE**

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The additional enforcement costs can be absorbed by the Department of Inland Fisheries and Wildlife utilizing existing budgeted resources.

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This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

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**SUMMARY**

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This amendment requires that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. The amendment removes the bill's requirement that written permission be obtained from a game warden before employing someone outside the immediate family and provides instead that when a person wishes to employ someone outside of the immediate family to take or kill wild animals, that person must contact a game warden to arrange for a person to alleviate the damage. When the warden is satisfied that damage is occurring, the warden may arrange for a department agent to alleviate the damage or, when an agent is not available, authorize a person to perform the work. Additionally, the amendment prohibits a person whose license to hunt has been revoked or suspended or who is an habitual violator as defined in the Maine Revised Statutes, Title 12, section 7001, subsection 13-A or has been convicted of night hunting within the past 5 years from being eligible to receive permission to take or kill a wild animal pursuant to this section. The amendment also provides that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provides that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. The amendment limits the wild animals that must be properly cared for to deer, bear and moose. Finally, the amendment authorizes the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing the person to protect the beehives from bear damage.

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