

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 587

S.P. 168

In Senate, February 6, 2001

An Act to Clarify Laws Pertaining to Nuisance Wildlife.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
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 KILKELLY of Lincoln.
Cosponsored by Representative DUNLAP of Old Town and
Senator CARPENTER of York, Representatives: CHICK of Lebanon, COTE of Lewiston,
PERRY of Bangor, THOMAS of Orono, TOBIN of Dexter, TRACY of Rome, TUTTLE of
Sanford.

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

2
3 **Sec. 1. 12 MRSA §7501**, as amended by PL 1981, c. 563, §1, is
4 further amended to read:

6 **§7501. Attacking domestic animals or destroying property**

8 Except as provided in sections 7502 and 7504, any person may
9 lawfully kill, or cause to be killed, any wild animal, night or
10 day, found in the act of attacking, worrying or wounding that
11 person's domestic animals or domestic birds or destroying that
12 person's property. Any person who kills a wild animal by
13 authority of this section shall report the incident to a ~~game~~
14 warden the Maine Warden Service as provided in section 7502,
15 subsections 3 and 4.

16 **Sec. 2. 12 MRSA §7502**, as amended by PL 1981, c. 563, §2, is
17 further amended to read:

20 **§7502. Damage to crops or orchards**

22 **1. Permission to kill nuisance animals.** Except as provided
23 in section 7504, the cultivator, owner, mortgagee or keeper of
24 any orchard or growing crop, except ~~grass~~ all types of grasses,
25 clover and grain fields, ~~or the owner or occupier of land on~~
26 ~~which such an orchard or crop are located,~~ may take or kill deer
27 ~~or other~~ wild animals night or day, when they the wild animals
28 are in the act of doing substantial damage to the orchard or
29 crop. For purposes of this section, corn shall is not be
30 considered grain.

32 **2. Employment of agents.** That A person may authorize a
33 member of his that person's immediate family ~~or someone employed~~
34 ~~by him~~ to take or kill ~~these deer or other~~ wild animals pursuant
35 to subsection 1. When he that person employs someone ~~not~~
36 ~~domiciled on the land where the damage is being done~~ outside of
37 the immediate family to take or kill ~~the deer or other~~ wild
38 animals, he that person shall apply to the a game warden in
39 ~~charge of the district in which the orchard or crop are located~~
40 for written permission to employ such a person and ~~shall obtain~~
41 ~~permission from the warden in writing.~~

42 **3. Report to Maine Warden Service; dressing of carcass.** The
43 person by whom or under whose direction the ~~deer or other~~ wild
44 animal is wounded, taken or killed under this section shall:

46 A. Within 12 hours, report all the facts relative to the
47 act to a ~~game warden~~ the Maine Warden Service, stating the
48 time and place of the wounding, taking or killing; and
49
50

2 B. Immediately In all cases of deer, bear or moose,
3 immediately and properly dress the carcass or carcasses and
4 care for the meat.

6 4. Warden's certificate. The A game warden shall
7 immediately investigate the case an incident under this section
8 as soon as possible and, if he the game warden is satisfied that
9 the deer--or--other wild animal was taken as provided in this
10 section, he shall give the person who killed the deer--or--other
11 wild animal a certificate of his finding in the matter.--The
12 certificate that entitles the person to the ownership of the
13 carcass or carcasses, to be possessed and consumed only within
14 the immediate family of the owner of the crops or other person
15 designated in subsection 1 or the person who killed the deer--or
16 other wild animal.

18 Sec. 3. 12 MRSA §7505, sub-§4 is enacted to read:

20 4. Failure to report the wounding, taking or killing of a
21 nuisance wild animal or properly care for carcass. A person is
22 guilty of:

24 A. Failure to report the wounding, taking or killing of a
25 wild animal if that person wounds, takes or kills a wild
26 animal under section 7501 or 7502 and fails to report all
27 the facts relative to the incident to the Maine Warden
28 Service within 12 hours; and

30 B. Failure to care for the carcass and meat of a wild
31 animal if that person kills a wild animal pursuant to
32 section 7501 or 7502 and fails to immediately and properly
33 dress the carcass and care for the meat to prevent spoilage.

36 SUMMARY

38 This bill makes several changes to the section of law that
39 deals with nuisance animals in general and depredation permits
40 for landowners, farmers and orchard owners. It adds domestic
41 birds to the provision that allows a person to kill any wild
42 animal found attacking or wounding that person's domestic animals
43 or destroying that person's property.

44 The bill clarifies that all types of grasses are excluded
45 from the provision that allows an owner of orchards or growing
46 crops to kill wild animals that are doing substantial damage to
47 that person's orchards or crops and that the wild animal must be
48 in the act of doing the damage.

2 In addition, the bill requires that when an orchard owner or
landowner employs someone outside of the immediate family to kill
4 wild animals under the provisions of this law that written
permission to employ such a person must be obtained from a game
warden.

6
8 It changes the reference from a game warden to the Maine
Warden Service under the reporting requirements so that if a game
warden can not be contacted, a person may call one of the
10 regional headquarters instead.

12 It clarifies that in all cases of deer, bear or moose being
killed, a person must immediately and properly dress the carcass
14 and care for the meat to prevent spoilage.

16 Finally, the bill prohibits failing to report or properly
care for the carcass and meat of a wild animal killed pursuant to
18 this law.