

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 236

H.P. 191

House of Representatives, January 23, 2003

An Act To Clarify the Animal Nuisance Statutes

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRUNO of Raymond.

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

4 **Sec. 1. 12 MRSA §7502, sub-§§2 and 4,** as amended by PL 2001, c.
5 655, §15, are further amended to read:

6 **2. Employment of agents.** When a person wants to employ
7 someone outside of that person's immediate family to take or kill
8 wild animals or wild turkeys, that person shall contact a game
9 warden, who shall consult with a biologist. If the warden is
10 satisfied that substantial damage is occurring and the biologist
11 agrees, the warden may arrange for a department agent to
12 alleviate the damage or, when an agent is not available, may
13 authorize a person who is knowledgeable and can perform the work
14 in a reasonable, safe and proficient manner. Permission to take
15 or kill wild animals or wild turkeys may not be granted to any
16 person whose license to hunt has been revoked or suspended, who
17 is an habitual violator as defined in section 7001, subsection
18 13-A or who has been convicted of night hunting within the past 5
19 years.

20 **4. Warden's certificate.** A game warden shall investigate an
21 incident under this section as soon as possible and, if consult
22 with a biologist. If the game warden is satisfied that the wild
23 animal or wild turkey was taken as provided in this section and
24 the biologist agrees, the game warden shall give the person who
25 killed the wild animal or wild turkey a certificate that entitles
26 the cultivator, owner, mortgagee or keeper of the orchard or
27 growing crop to own the carcass or carcasses, to be possessed and
28 consumed only within the immediate family of the cultivator,
29 owner, mortgagee or keeper of the orchard or growing crop, or, in
30 accordance with the labeling requirements for possession of deer,
31 bear, moose or wild turkey, to transfer possession of those wild
32 animals or wild turkeys to another person. Any excess carcasses
33 after the first 2 carcasses of deer, bear, moose or wild turkey
34 killed or taken under subsection 1 or 2 must be distributed to
35 recipients authorized through the Hunters for the Hungry Program
36 established in section 7481 or as otherwise authorized by the
37 game warden.

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41 **SUMMARY**

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43 This bill requires a game warden to seek the agreement of a
44 biologist before the warden gives permission to a landowner to
45 employ an agent to take or kill nuisance animals on the
46 landowner's land or to issue a certificate allowing a landowner
47 to own and consume a nuisance animal taken or killed on the
48 landowner's land.