

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 230

S. P. 179

In Senate, February 1, 1939.

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Boothby of York.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relative to Damage by Deer to Growing Crops and Orchards.

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

R. S., c. 38, § 61, amended. Section 61 of chapter 38 of the revised statutes as revised, is hereby amended to read as follows:

'Sec. 61. Closed time on deer in certain counties. There shall be an annual closed season on deer in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York from the 1st day of December of each year to the 31st day of October of the following year, both days inclusive, and in the counties of Aroostook, Penobscot, Somerset, Piscataquis, Franklin and Oxford from the 1st day of December of each year to the 15th day of October of the following year, both days inclusive, and in the counties of Hancock and Washington from the 16th day of December of each year to the 31st day of October of the following year, both days inclusive, except that on the island of Mount Desert, and in the town of Deer Isle, and in the town of Stonington, in the county of Hancock, and on Cross Island and on Scotch Island, in the county of Washington, and in Isle au Haut, in the county of Knox, and on Swan Island, in the county of Sagadahoc, and in game sanctuaries as established by law, where closed season is perpetual, during which said closed seasons, except as hereinafter provided, it shall be unlawful to hunt any deer or have in possession any

part thereof; and no person shall during the open seasons above named, except as hereinafter provided, kill or have in possession, more than 1 deer or part thereof. A person lawfully killing a deer in open season ~~shall have a reasonable time in which to transport the same to his home and~~ may have the same in possession at his home in closed season, provided said deer has been properly registered as provided in section 67.

~~Provided, however, that if a deer is found doing actual, substantial damage to any growing cultivated crops, the cultivator of such crops may kill the deer and may consume said deer in his own family but not otherwise; but he shall not pursue the deer beyond the limits of his cultivated land in which the damage is being done; provided, that whoever kills a deer in accordance with the provisions herein contained shall within 24 hours give notice in writing to the commissioner of the fact of such killing and the character and estimated amount of damage done; whoever fails to give such notice shall in no wise be protected by the provisions hereof.~~ Any person may take on land owned or occupied by him a deer which he can prove was in the act of doing substantial damage to a fruit tree or a crop, except grass; and he may authorize a member of his family or a person regularly employed by him to take such a deer. A person by whom, or under whose direction, such a deer is wounded or killed, shall, within 12 hours, report all the facts relative to such act, in writing signed by him, to a fish and game warden. Such report shall state the time and place of such wounding or killing and the amount of damage done by the deer. A person who kills such deer shall immediately properly dress the carcass and care for the meat. The fish and game warden shall immediately investigate the case and if he is satisfied that the deer was taken as herein provided, he shall give the person a certificate of his finding in the matter. Such certificate shall entitle such person to the ownership of the carcass. If the cultivator of any growing crops or orchard, or the owner or keeper of any orchard, kills a deer found doing damage as provided in this section he shall receive no compensation from the state for said damage. Whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of this paragraph shall in no wise be protected thereby; and it shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto. Any dead deer found in the woods not having a tag identifying the owner thereof shall be the property of the state of Maine to be disposed of by direction of the commissioner. The owner or keeper of any orchard or growing crops shall within 48 hours after he discovers there is damage being done to said orchard or crops, by deer or other protected animals or birds, report the same in writing to the commissioner either directly or to the in-

land fish and game warden in whose district said crop or orchard is being damaged. Any person who claims a damage to growing crops or orchard by deer or other protected animals or birds shall within 3 days after he discovers such damage is being done report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said crop or orchard is being damaged.

Any person who suffers property damage caused by deer or moose, other than damage to cultivated crops or orchards, shall within 12 hours thereafter report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said damage occurred. Upon satisfactory proof of the damage and extent thereof, the same shall be paid as in the case of damage to growing crops. Provided, however, that no damage shall be paid if said damage is not reported as required above.