

MAINE STATE LEGISLATURE

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

Legislative Document

No. 696

S. P. 377

In Senate, February 11, 1941.

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and 650 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Boothby of York by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relative to Crop and Orchard Damage by Deer.

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

R. S., c. 38, § 61, amended. The 2nd and 3rd paragraphs of section 61 of chapter 38 of the revised statutes, as revised, are hereby amended to read as follows:

'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 ~~given~~ 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 inland 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.

No claims for damage by wild animals shall be paid by the inland fish and game department except, that damage to growing crops or orchards by deer occurring on, or within, 2 miles of any game preserve may be paid by the commissioner provided said damage is reported by the owner of said growing crops or orchard in writing to the commissioner or to a warden in whose district said crops or orchard is located within 36 hours.'