

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Legislative Document

No. 1069

S. P. 516

In Senate, March 27, 1941.

Reported by Senator Boothby of York from Committee on Inland Fisheries and Game and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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 The 2nd and 3rd paragraphs of section 61 of chapter 38 of the revised statutes, as revised, are hereby repealed and the following is enacted as a new section to be numbered 61-B.

'Sec. 61-B. Crop and orchard damage. 1. Any person may take on land owned or occupied by him 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 employed by him to take such deer. A person by whom, or under whose direction, such 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 or carcasses 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, or carcasses.

2. The cultivator of any orchard or growing crop, except grass, or the owner, mortgagee or keeper of said crops, or orchard, may kill deer or other protected animals, or birds, found doing damage as provided in paragraph 1 of this section. Said cultivator, owner, mortgagee or keeper shall within 12 hours make the report as provided in paragraph 1 of this section and shall dress the carcass, or carcasses, and care for the meat as provided in said paragraph 1. 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 said cultivator, owner, mortgagee or keeper a certificate of his finding in the matter. Such certificate shall entitle said cultivator, owner, mortgagee or keeper to the ownership of the carcass, or carcasses.

3. The owner, or occupier of land, mentioned in paragraph 1 of this section or the cultivator, owner, mortgagee or keeper, mentioned in paragraph 2 of this section shall within 3 days after he discovers there is damage being done to said fruit tree, orchard or growing crop except grass, by deer or other protected animals, or birds, report the same in writing to the commissioner of inland fisheries and game either directly or to the inland fish and game warden in whose district said crop, or fruit tree, or orchard, is being damaged. Said commissioner shall thereupon cause to be made such investigation as is necessary to determine the facts, and, if he finds that damage has been done as alleged, he shall authorize payment for said damage.

4. Whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of paragraphs 1 and 2 of this section shall in no wise be protected or be entitled to any claim for damages under this section; and it shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto.

5. Any dead deer found in the woods not having a tag attached thereto identifying the owner thereof shall be the property of the state of Maine and shall be seized by the first warden who finds said carcass, to be disposed of by direction of the commissioner.'