

MAINE STATE LEGISLATURE

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

Legislative Document

No. 564

H. P. 1075

House of Representatives, February 17, 1943.

Referred to Committees on Appropriations and Financial Affairs and Inland Fisheries and Game jointly. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Usher of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Damage by Deer to Crops and Orchards

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

Sec. 1. **R. S., c. 38, § 61-B, amended.** The first 2 paragraphs of section 61-B of chapter 38 of the revised statutes, as revised, are hereby repealed and the following 3 paragraphs are enacted in place thereof:

‘1. Where damage by deer to crops and commercial orchards have been found either by the owners or occupiers or their employees, complaint of such damage shall be reported within 48 hours, in writing, to the commissioner of inland fisheries and game or to any inland fisheries and game warden in that section. The game warden receiving such a complaint shall within 48 hours of time, investigate the damage to the crops or commercial orchards.’

‘2. Said game warden shall have the authority to determine whether or not the damage is enough to warrant giving the owners or occupiers or their employees a written permit to shoot deer found within an area described by the warden in said permit and to issue said permit. However, in case of disagreement between the warden and the owner or occupier or his employees the case shall be referred to an impartial committee of 3 per-

sons, one chosen by the game warden, one chosen by the owner or occupier and a third to be chosen by these two. The committee's decision shall be final.'

'3. The permit shall expressly state that the owner or occupier, and/or his employees, shall have the right to shoot any deer found in areas described by the permit any time during the day or night; provided further, that all deer killed under these permits shall be reported to the game warden issuing the permit, in writing, within 24 hours, and that the carcass or carcasses of deer killed under these permits shall be the property of the owner or occupier and/or his employees for use in their own household exclusively, or if the owner so elects, the carcass may be disposed of by the commissioner of inland fisheries and game.'

Sec. 2. R. S., c. 38, § 61-B, new ¶ 4. Paragraph numbered 3 of section 61-B of chapter 38 of the revised statutes, as revised, is hereby repealed and the following enacted as paragraph 4:

'4. The owner or occupier of land, and the cultivator of any orchard or growing crop, except grass, or the owner, mortgagee or keeper of said crops, or orchard shall within 48 hours 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.'

Sec. 3. R. S., c. 38, § 61-B, ¶ 4 renumbered and amended. Paragraph numbered 4 of section 61-B of chapter 38 of the revised statutes, as revised, is hereby renumbered 5 and amended to read as follows:

'5. 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.'

Sec. 4. R. S., c. 38, § 61-B, new ¶ 6. Section 61-B of chapter 38 of the revised statutes, as revised, is hereby amended by adding thereto a new paragraph to be numbered 6, and to read as follows:

‘6. The words “commercial orchard” as used in this section shall mean one which has been definitely placed in the farm program from which the operator expects to receive some income. This orchard shall receive reasonable care based on common practice of pruning, fertilizing, and spraying; and proper picking and handling of the fruit.’

Sec. 5. R. S., c. 38, new § 61-C. Paragraph numbered 5 of section 61-B of chapter 38 of the revised statutes, as revised, is hereby repealed and re-enacted as section 61-C, to read as follows:

‘Sec. 61-C.—Deer not tagged. 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.’

Sec. 6. R. S., c. 38, § 62, amended. Section 62 of chapter 38 of the revised statutes, as revised, is hereby amended by adding at the end thereof the following:

‘The provisions of this section relating to jack-lights and artificial lights shall not apply to any person acting legally under the provisions of section 61-B.’