

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 574

H. P. 945

House of Representatives, February 8, 1945.

Referred to the Committee on Inland Fisheries and Game, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sweetser of Cumberland Center.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Open Season for Hunting.

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

R. S., c. 33, § 61-C, additional. Chapter 33 of the revised statutes is hereby amended by adding thereto a new section to be numbered 61-C, to read as follows:

‘Sec. 61-C. Open season for hunting in certain areas. When young orchards show injury from deer or when proposed plantings are threatened by the presence of deer, the department of inland fisheries and game may be called on to open certain limited and well defined areas for an extended period of hunting to be determined in the following manner:

I. Demand for hearing. Any commercial orchardist who can present evidence of injury from deer to his orchard trees or evidence that fields assigned to new plantings are frequented by deer may demand in writing that a hearing shall be held at the orchard site to determine the importance of control methods in that area.

II. Hearing. Such a hearing shall be called within 30 days of the date of the request and should be attended by the owner of the property, a representative of the state office of inland fisheries and game, a repre-

representative of the department of agriculture, a local game warden and a representative of the Maine State Pomological Society.

III. Committee for decision. A committee for decision shall be selected prior to the hearing to consist of the representative of the department of inland fisheries and game, the representative of the department of agriculture and a 3rd member to be selected as follows: The 2 above named officers shall each select a disinterested party and these 2 persons shall choose a 3rd member to serve on the committee. The travel expense of the 3rd member of this committee shall be paid by the Maine State Pomological Society.

IV. Area opened. If, upon investigation and the above mentioned hearing, evidence is presented to indicate a threat to a commercial orchard of fruit trees by injury from deer, then the committee may declare an emergency and the commissioner of inland fisheries and game shall declare an open season on deer beyond the usual closing date for hunting in that area, and a local tagging station may be provided. The area to be thus opened shall be described at the hearing and shall be bounded by well defined roads or highways and shall be posted in conspicuous places on these roads. All the rules and laws of deer hunting shall prevail in this area except that a successful hunter must report his kill to the state office of inland fisheries and game and accompany his report with a fee of \$1.

V. Definition. The term "commercial orchardist" as used in this section shall be defined as an orchardist who owns and maintains according to commercial practices, not less than 300 standard fruit trees, or who in good faith proposes to plant not less than 5 acres of such trees when the threat of damage from deer has been removed.'