

# MAINE STATE LEGISLATURE

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Legislative Document

No. 1355

H. P. 1788

House of Representatives, April 25, 1951

Reported by Mr. Carville from the Committee on Inland Fisheries and Game. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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AN ACT Relating to Crop and Orchard Damage by Deer.

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

R. S., c. 33, § 84, amended. Section 84 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

**‘Sec. 84. Crop and orchard damage.**

I. Any person may take or kill deer, night or day, on land owned or occupied by him, ~~deer which he can prove was in the act of doing where~~ substantial damage is being done by deer 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.

II. 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 wild animals, except beaver, or birds, ~~night or day, found~~ doing damage as provided in subsection I. Said cultivator, owner, mortgagee or keeper shall within 12 hours make the report as provided in subsection I and shall dress the carcass, or carcasses, and care for the meat as provided in said subsection I. 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 findings in the matter. Such certificate shall entitle said cultivator, owner, mortgagee or keeper to the ownership of the carcass or carcasses.

~~The owner, or occupier of land, mentioned in subsection I of this section or the cultivator, owner, mortgagee or keeper, mentioned in subsection II 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 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.~~

III. It shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto.

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

V. Whenever deer are doing damage to orchards and crops, except grass, the department shall furnish to the owner or agent of such orchards and crops suitable repellents without cost to such owner or agent; and the commissioner may follow such other good conservation practice as will alleviate such damage. No claims for crop or orchard damage by deer or other protected animals or birds shall be paid by the state from any source or fund.

VI. Whenever the commissioner deems it impossible to keep deer from doing damage to young orchards, he may enter into an agreement

with the owner of such orchard whereby the department will assume  $\frac{1}{2}$  the cost of fencing such orchard.

~~VI. No damage shall be paid under the provisions of this chapter if any part of the land on which the damage occurred shall have been posted against hunting at any time during the current or previous open season for deer hunting.'~~