

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
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1937

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

Chapter 2

AN ACT Relative to Keeping in Captivity Animals Wild by Nature.

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

R. S., c. 38, additional. Chapter 38 of the revised statutes is hereby amended by adding thereto the following as section 9-B:

“Sec. 9-B. Keeping of wild animals in captivity prohibited; exceptions; fees; care and treatment. A. As used in this section, the following terms shall have the following meanings:

“Roadside menagerie.” Any place where 1 or more wild animals are kept in captivity, either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade. The term will not include the exhibition of any animal in connection with any theatrical exhibition or circus or agricultural fair.

“Wild animal.” Any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity.

B. It shall be unlawful for any person to keep any wild animal in captivity upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for exhibition, or the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for “roadside menagerie.” Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing, and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50.

No permit shall be granted by the commissioner until he is satisfied that the provisions for housing and caring for the wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by him.

All permits shall expire with the calendar year and may be revoked by the commissioner at any time prior thereto for failure to comply with the rules and regulations of the commissioner adopted pursuant to this section.

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The commissioner is charged with the enforcement of this section and shall adopt, publish and enforce rules and regulations for the housing, care, treatment, feeding, and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Each day during which a roadside menagerie is maintained without a permit shall constitute a separate offense.'

Approved February 17, 1937.

Chapter 3

AN ACT Relative to Damage by Deer and Moose.

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

Sec. 1. R. S., c. 38, § 61, amended. The second paragraph of section 61 of chapter 38 of the revised statutes, as revised, is hereby amended to read as follows:

'Provided, however, that if a deer is found doing actual, substantial damage to any growing cultivated crops, the cultivator of such crops may kill the deer, and may consume said deer in his own family but not otherwise; but he shall not pursue the deer beyond the limits of his cultivated land in which the damage is being done; provided, that whoever kills a deer in accordance with the provisions herein contained shall forthwith within 24 hours give notice in writing to the commissioner of the fact of such killing and the character and estimated amount of damage done; whoever fails to give such notice shall in no wise be protected by the provisions hereof. 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 subject to seizure and confiscation by the department 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