



128th MAINE LEGISLATURE

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Legislative Document

No. 276

H.P. 209

House of Representatives, January 31, 2017

**An Act To Require a Game Warden's Certificate To Kill Wild
Animals Causing Damage to Crops or Orchards and Notification to
Nearby Residents**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Dresden.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: ALLEY of Beals, BLACK of Wilton, DUCHESNE of Hudson, HARLOW of
Portland, PARRY of Arundel, PICKETT of Dixfield, STEARNS of Guilford, WOOD of
Greene.

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

2 **Sec. 1. 12 MRSA §12402, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **1. Certificate to kill nuisance animals or wild turkeys.** Except as provided in
5 section 12404, the cultivator, owner, mortgagee or keeper of any orchard or growing
6 crop, except all types of grasses, clover and grain fields, may apply for a certificate from
7 a game warden as provided in subsection 3 that entitles the person to take or kill wild
8 animals or wild turkeys night or day when the wild animals or wild turkeys are located
9 within the orchard or crop where substantial damage caused by the wild animal or wild
10 turkey to the orchard or crop is occurring. For purposes of this section, corn is not
11 considered grain.

12 **Sec. 2. 12 MRSA §12402, sub-§4**, as amended by PL 2007, c. 198, §2, is
13 repealed and the following enacted in its place:

14 **4. Warden's certificate.** A game warden shall investigate the circumstances
15 surrounding an application under subsection 1 as soon as possible after the application is
16 received and, if the game warden is satisfied that a wild animal or wild turkey is causing
17 substantial damage to an orchard or crop belonging to the applicant, may issue a
18 certificate to the applicant that authorizes the person to take or kill wild animals or wild
19 turkeys as described on the certificate at the area described on the certificate, subject to
20 the notification and care requirements of subsection 5. A certificate issued under this
21 section entitles the certificate holder to own a carcass taken under the certificate, to
22 possess and consume the carcass within the immediate family of the certificate holder or,
23 in accordance with the labeling requirements for possession of deer, bear, moose or wild
24 turkey, to transfer possession of those wild animals or wild turkeys to another person.
25 Any excess carcasses after the first 2 carcasses of bear, moose or wild turkey or after the
26 first 3 carcasses of deer killed or taken under subsection 1 or 2 must be distributed to
27 recipients authorized through the Hunters for the Hungry Program established in section
28 10108, subsection 8 or as otherwise authorized by the game warden. A game warden may
29 not issue a certificate to a person to take or kill wild animals or wild turkeys if the
30 person's license to hunt has been revoked or suspended, the person is an habitual violator
31 as defined in section 10605, subsection 1 or the person has been convicted of night
32 hunting within the past 5 years.

33 **Sec. 3. 12 MRSA §12402, sub-§6** is enacted to read:

34 **6. Notification.** A holder of a certificate issued under subsection 4 shall notify in
35 writing all residents within 1,000 feet of the boundary of the area described on the
36 certificate where the certificate holder is authorized to take or kill wild animals or wild
37 turkeys:

38 A. That the certificate holder is authorized to take or kill wild animals or wild
39 turkeys; and

40 B. The area where the certificate holder is authorized to take or kill wild animals or
41 wild turkeys.

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SUMMARY

2 This bill requires the cultivator, owner, mortgagee or keeper of any orchard or
3 growing crop to obtain a certificate from a game warden in order to take or kill wild
4 animals or wild turkeys causing substantial damage to the orchard or crop. The game
5 warden must investigate the circumstances of the application for a certificate and may
6 issue the certificate if the game warden is satisfied that a wild animal or wild turkey is
7 causing substantial damage to an orchard or crop. The certificate must describe the
8 animals that may be taken or killed and the area where the animals may be taken or
9 killed. The certificate holder must notify residents within 1,000 feet of the boundary of
10 the area where the animals may be taken or killed that the certificate holder is authorized
11 to take or kill those animals in that area.