

CHAPTER 181, Laws of 1975

AN ACT to amend 84.28; to repeal and recreate 29.594 (1); and to create 29.02 (4) and 29.174 (2) (c) of the statutes, relating to perpetuation of Canada geese in this state through depredation payments, highway assistance, disease control and hunting regulations, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.02 (4) of the statutes is created to read:

29.02 (4) Agents of the department may, after making reasonable efforts to notify the owner or occupant, enter upon private lands to retrieve, diagnose or otherwise determine if there are dead or diseased wild animals upon such lands, and take actions reasonably necessary to prevent the spread of contagious disease in such wild animals.

SECTION 2. 29.174 (2) (c) of the statutes is created to read:

29.174 (2) (c) 1. The department may regulate and limit the number of hunters and the maximum harvest of Canada geese in any area, by:

- a. Requiring hunters to tag each goose killed with a tag issued by the department;
- or
- b. Requiring registration of each farm on which Canada goose hunting is allowed and registration of each goose killed at the farm.

2. No preference may be given in the distribution of such tags, except that any applicant who unsuccessfully applied for tags in the previous year shall be given priority over any applicant who successfully applied for tags in the previous year.

SECTION 3. 29.594 (1) of the statutes is repealed and recreated to read:

29.594 (1) Any owner or grower of crops may claim damage to such crops caused by wild ducks or geese or sandhill cranes by filing a verified statement of his claim within 14 days after such damage occurs. The claim shall certify that the damage was caused by wild ducks or geese to seedings or crops on agricultural lands. If the condition causing the damage is in the nature of a continuing trespass or depredation, the claimant may file a notice of claim within 14 days from the time such damage first occurs, stating the nature of the condition and notifying the department that damages will be claimed as soon as the total damage can be ascertained. Such notice of claim shall preserve the right of the claimant to file his verified statement of claim until 10 days after the damages can be determined or the following June 15, whichever occurs first. If the claimant cooperates with the department to prevent or alleviate the damage, he shall be entitled to recover his actual damages but not to exceed \$10,000. No person may recover under this section:

- (a) For damages to unharvested sweet corn caused by wild ducks or geese;
- (b) For damages to crops not harvested in accordance with normal agricultural practices;
- (c) For losses of normal field waste remaining after harvesting;
- (d) If the damage occurred on a farm where any crops are planted or manipulated to attract wild ducks or geese or sandhill cranes;

- (e) If the damage occurred on lands under state or federal control;
- (f) If the damage was caused by wild ducks or geese during the open shooting season for wild ducks or geese in the area, unless the number or concentration of hunters is limited by law in or near the area where the damage occurs; or
- (g) If the damage occurred on lands where public hunting is prohibited by the landowner or occupant.

SECTION 4. 84.28 of the statutes is amended to read:

84.28 State park roads. The appropriation made by s. 20.395 (4) (qa) may be expended for the construction, maintenance and marking of roads, including fire roads, service areas, trailer or vehicle parking stalls or parking areas and other facilities consistent with highway construction and for the marking of scenic routes in the state parks, state forests, state fish hatcheries, other public used areas under the jurisdiction of the department of natural resources and other public lands as defined in ch. 24, for highways or fire roads leading from the most convenient state trunk highways to such lands, and for the relocation and construction of state trunk highways in or near state parks when required in the interests of public safety. Within the limitations and for the purposes of this section, funds may be allotted by and work performed by or under the supervision or authority or with the approval of the highway commission, upon the request for such work filed by the department of natural resources as to state park or forest lands, or the board of commissioners of the public lands as to other classes of public lands. Outside the limits of the said park, state forest and public land areas, direct connections to the most convenient state trunk highway may be built or maintained under this section. Roads in unincorporated areas within 5 miles of the boundaries of the Horicon national wildlife refuge or the Horicon marsh wildlife area may be built or maintained under this section upon request of the town board, if the department of transportation certifies that such roads are or will be used by a substantial number of visitors to such area. The expenditure of funds under this section shall not affect the eligibility of any highway for aids or the expenditure of other funds thereon.
