

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1623

H.P. 1077

House of Representatives, April 15, 2025

An Act to Amend Certain Fish and Wildlife Laws Related to Landowner Representation Regarding Abandoned Property

Received by the Clerk of the House on April 11, 2025. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.
Cosponsored by Representatives: BRIDGEO of Augusta, CRAY of Palmyra, MASON of Lisbon, ROBERTS of South Berwick, THORNE of Carmel.

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

2 **Sec. 1. 12 MRSA §10652, sub-§1, ¶A**, as amended by PL 2021, c. 54, §2, is further
3 amended to read:

4 A. A person may not:

- 5 (1) Tear down or destroy any fence or wall on another person's land;
- 6 (2) Leave open any gate or bars on another person's land;
- 7 (3) Trample or destroy any crop on another person's land;
- 8 (4) Damage or destroy a tree on another person's land by inserting into that tree
9 any metallic or ceramic object to be used as, or as part of, a ladder or observation
10 stand unless the person has the permission of the landowner or the landowner's
11 representative;
- 12 (5) Erect or use either a portable or permanent ladder or observation stand on the
13 land of another person unless:
- 14 (a) That person has obtained oral or written authorization to erect and use a
15 ladder or observation stand from the landowner or the landowner's
16 representative; and
- 17 (b) The ladder or observation stand is plainly labeled with a 2-inch by 4-inch
18 tag identifying the name and address of the person or persons authorized by
19 the landowner or the landowner's representative to use the ladder or
20 observation stand.

21 This subparagraph does not apply to a portable ladder or observation stand that is
22 located on land within the jurisdiction of the Maine Land Use Planning
23 Commission and attended by the person who owns the ladder or observation stand.
24 For purposes of this subparagraph, "observation stand" does not include a portable
25 blind utilized at ground level that remains in the physical possession of the hunter;
26 ~~or.~~

27 If the landowner or the landowner's representative finds an abandoned ladder or
28 observation stand on the landowner's land in violation of this subparagraph and the
29 owner of the abandoned ladder or observation stand is unknown, the landowner or
30 the landowner's representative may, after consultation with the Bureau of Warden
31 Service, take ownership of the abandoned ladder or observation stand. The
32 landowner or the landowner's representative may remove, destroy, sell or possess
33 the abandoned ladder or observation stand. For the purposes of this subparagraph,
34 "abandoned ladder or observation stand" means a ladder or observation stand left
35 on property not owned by the person who owns the ladder or observation stand
36 without permission of the landowner or the landowner's representative; or

37 (6) Destroy, tear down, deface or otherwise damage a property posting sign under
38 Title 17-A, section 402, subsection 4.

39 **Sec. 2. 12 MRSA §13070, sub-§2**, as affected by PL 2003, c. 614, §9, amended by
40 c. 655, Pt. B, §382 and affected by §422, is further amended to read:

1 **2. Stop and identify requirement.** Persons operating an airmobile upon the land of
2 another shall stop and identify themselves upon the request of the landowner or the
3 landowner's ~~duly authorized~~ representative. A person who violates this subsection commits
4 a Class E crime.

5 **Sec. 3. 12 MRSA §13106-A, sub-§2,** as enacted by PL 2003, c. 655, Pt. B, §394
6 and affected by §422, is amended to read:

7 **2. Stop and identify requirement.** Persons operating a snowmobile upon the land of
8 another shall stop and identify themselves upon the request of the landowner or the
9 landowner's ~~duly authorized~~ representative.

10 A person who violates this subsection commits a Class E crime.

11 **Sec. 4. 12 MRSA §13155, sub-§5-B,** as amended by PL 2021, c. 526, §2, is further
12 amended to read:

13 **5-B. Oversized ATV; exception.** A person may not register an oversized ATV except
14 as provided in this subsection. A resident who has registered an oversized ATV prior to
15 January 1, 2022 may continue to register that oversized ATV upon payment of the fee
16 specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered
17 oversized ATV, the new owner may also register that oversized ATV upon payment of the
18 fee specified in subsection 5, paragraph A. Registration is not required for an oversized
19 ATV operated by a person on the land of another if written permission is received from the
20 landowner ~~or~~, lessee of the land or landowner's representative and the person is engaged
21 solely in a business activity, other than a business activity involving recreational use of the
22 oversized ATV. For purposes of this subsection, "oversized ATV" means an ATV that is
23 wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's
24 specifications.

25 **Sec. 5. 12 MRSA §13157-A, sub-§1-A,** as amended by PL 2021, c. 215, §11, is
26 further amended to read:

27 **1-A. Permission required.** A person may not operate an ATV on the land of another
28 without the permission of the landowner ~~or~~, lessee or landowner's representative.
29 Permission is presumed on designated state-approved ATV trails or in areas open to ATVs
30 by landowner policy. A landowner ~~or~~, lessee or landowner's representative may limit the
31 use of a designated state-approved ATV trail on that landowner's or lessee's property
32 through agreements with the State or an ATV club to address environmental, public safety
33 or management concerns, including by limiting the type, size and weight of ATVs
34 permitted on the landowner's or lessee's property. A person operating an ATV, including
35 an oversized ATV, on designated state-approved ATV trails shall adhere to limitations
36 imposed by a landowner ~~or~~, lessee or landowner's representative and the State on that part
37 of the designated state-approved ATV trail on the landowner's or lessee's property in
38 accordance with this subsection. Written permission of the landowner ~~or~~, lessee or
39 landowner's representative is required for use of an ATV on cropland or pastureland or in
40 an orchard. A landowner, lessee or landowner's representative may limit in writing the use
41 of a designated state-approved ATV trail on that landowner's or lessee's property. As used
42 in this subsection, "cropland" means acreage in tillage rotation, land being cropped and
43 land in bush fruits and "pastureland" means acreage devoted to the production of forage
44 plants used for animal production. For purposes of this subsection, "oversized ATV" has

1 the same meaning as defined in section 13155, subsection 5-B. ~~Nothing in this~~ This
2 subsection may not be construed to limit or expand a landowner's or lessee's property rights.

3 A. A person who violates this subsection commits a civil violation for which a fine of
4 not less than \$100 or more than \$500 may be adjudged.

5 B. A person who violates this subsection after having been adjudicated of having
6 committed 3 or more civil violations under this Part within the previous 5-year period
7 commits a Class E crime.

8 **Sec. 6. 12 MRSA §13157-A, sub-§2,** as enacted by PL 2003, c. 655, Pt. B, §414
9 and affected by §422, is amended to read:

10 **2. Stop and identify requirement.** Persons operating ATVs upon the land of another
11 shall stop and identify themselves upon the request of the landowner, lessee or the
12 landowner's ~~duly authorized~~ representative. A person who violates this subsection commits
13 a Class E crime.

14 **Sec. 7. 12 MRSA §13157-A, sub-§27, ¶A,** as enacted by PL 2005, c. 397, Pt. E,
15 §26 and amended by PL 2011, c. 657, Pt. W, §5, is further amended by amending
16 subparagraph (2) in the first blocked paragraph to read:

17 The provisions of this subparagraph do not apply to a trail designated for ATV use
18 by the Department of Agriculture, Conservation and Forestry. The provisions of
19 this subparagraph also do not apply to a person accessing land for maintenance or
20 inspection purposes with the landowner's permission or the landowner's
21 representative's permission or to local, state or federal government personnel in the
22 performance of official duties, ~~provided as long as~~ there is no significant ground
23 disturbance or sedimentation of water bodies.

24 **Sec. 8. 33 MRSA §2001,** as enacted by PL 2013, c. 382, §1, is amended to read:

25 **§2001. Placement of cameras and electronic surveillance equipment on private**
26 **property**

27 **1. Prohibition.** A person may not place a camera or electronic surveillance equipment
28 that records images or data of any kind while unattended outside on the private property of
29 another without the written consent of the landowner or the landowner's representative,
30 unless the placement is pursuant to a warrant.

31 **2. Labeling.** A person who places a camera or electronic surveillance equipment
32 described in subsection 1 on the private property of another with the written consent of the
33 landowner or the landowner's representative or pursuant to a warrant shall label the camera
34 or electronic surveillance equipment with that person's name and contact information.

35 **3. Remove or disable; abandoned camera or electronic surveillance equipment.**
36 A landowner or the landowner's representative may remove or disable a camera or
37 electronic surveillance equipment placed on the landowner's private property in violation
38 of this section. If the landowner or the landowner's representative finds an abandoned
39 camera or electronic surveillance equipment on the landowner's land in violation of this
40 section and the owner of the abandoned camera or electronic surveillance equipment is
41 unknown, the landowner or the landowner's representative may, after consultation with the
42 Bureau of Warden Service, take ownership of the abandoned camera or electronic
43 surveillance equipment. The landowner or the landowner's representative may remove,

1 destroy, sell or possess the abandoned camera or electronic surveillance equipment. For
2 purposes of this section, "abandoned camera or electronic surveillance equipment" means
3 a camera or electronic surveillance equipment left on property not owned by the person
4 who owns the camera or electronic surveillance equipment without permission of the
5 landowner or the landowner's representative.

6 **4. Exceptions.** This section does not prohibit the following:

7 A. The use of a camera to deter theft or vandalism of a motor vehicle when the motor
8 vehicle is temporarily parked; or

9 B. The use of implanted or attached electronic devices to identify, monitor and track
10 animals.

11 **5. Penalty.** A person who violates this section commits a civil violation for which a
12 fine of not more than \$500 may be adjudged.

13 SUMMARY

14 This bill allows a landowner's representative to act on behalf of a landowner regarding
15 the placement of a ladder, an observation stand, a camera or electronic surveillance
16 equipment or the operation of an all-terrain vehicle on the landowner's property. It requires
17 persons operating all-terrain vehicles upon the land of another to stop and identify
18 themselves upon the request of the lessee of the land. It provides that a landowner, lessee
19 or landowner's representative may limit in writing the use of a designated state-approved
20 ATV trail on that landowner's or lessee's property. It provides that if a landowner or
21 landowner's representative finds an abandoned ladder, an observation stand, a camera or
22 electronic surveillance equipment on the landowner's land in violation of law and the owner
23 of the ladder, observation stand, camera or electronic surveillance equipment is unknown,
24 the landowner or the landowner's representative may, after consultation with the
25 Department of Inland Fisheries and Wildlife, Bureau of Warden Service, take ownership
26 of the abandoned ladder, observation stand, camera or electronic surveillance equipment.
27 The landowner or the landowner's representative may remove, destroy, sell or possess the
28 abandoned ladder, observation stand, camera or electronic surveillance equipment.