

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 169

6  
7 S.P. 63

In Senate, January 12, 1983

8 On Motion of Senator Pray of Penobscot referred to the Committee on  
9 Fisheries and Wildlife. Sent down for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Usher of Cumberland.

Cosponsors: Senator Dow of Kennebec, Representative Connors of  
11 Franklin and Representative Clark of Millinocket.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Prohibit Harassment  
18 of Hunters, Trappers and Fishermen.  
19

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

22 12 MRSA c. 710 is enacted to read:

23 CHAPTER 710

24 HARASSMENT OF HUNTERS, TRAPPERS

25 AND FISHERMEN

26 §7541. Definitions

27 As used in this chapter, unless the context  
28 otherwise indicates, the following terms have the  
29 following meanings.

1           1. Process of taking. "Process of taking," in  
2 addition to any act directed at the taking of a wild  
3 animal, wild bird or fish, includes travel, camping  
4 and other acts preparatory to taking which occur on  
5 lands or waters upon which the affected person has  
6 the right or privilege to take that wild animal, wild  
7 bird or fish.

8           2. Wild animal, wild bird or fish. "Wild ani-  
9 mal, wild bird or fish" means any wild creature the  
10 taking of which is authorized by the inland fisheries  
11 and wildlife laws of this State.

12       §7542. Harassment prohibited

13           1. Interference with taking. No person may  
14 interfere with the lawful taking of a wild animal,  
15 wild bird or fish by another, or the process of  
16 taking, with intent to prevent the taking.

17           2. Disturbing wild animals, wild birds or  
18 fish. No person may disturb or engage in an activity  
19 that will tend to disturb wild animals, wild birds or  
20 fish, with intent to prevent their lawful taking.

21           3. Disturbing of person taking animal, bird or  
22 fish. No person may disturb another person who is  
23 engaged in the lawful taking of a wild animal, wild  
24 bird or fish or who is engaged in the process of  
25 taking, with intent to dissuade or otherwise prevent  
26 the taking, or to prevent that person's enjoyment of  
27 the outdoors.

28           4. Entering or remaining on land. No person may  
29 enter or remain upon public lands, or upon private  
30 lands without permission of the owner or his agent,  
31 with intent to violate this section.

32           5. A violation of this section is a civil viola-  
33 tion for which a forfeiture of not less than \$100 nor  
34 more than \$500 may be adjudged.

35       §7543. Failure to obey order prohibited

36           A person is guilty of a Class E crime if he fails  
37 to obey the order of a peace officer to desist from  
38 conduct in violation of section 7542 if the officer

1 observes the conduct or has reasonable grounds to  
2 believe that the person has engaged in the conduct  
3 that day or that the person plans or intends to  
4 engage in the conduct that day on specific premises.

5 §7544. Injunction; damages

6 1. Injunction. The District Court or Superior  
7 Court may enjoin conduct which would be in violation  
8 of section 7542 upon petition by a person affected or  
9 who reasonably may be affected by the conduct, upon a  
10 showing that the conduct is threatened or that it has  
11 occurred on particular premises in the past and that  
12 it is not unreasonable to expect that under similar  
13 circumstances it will be repeated.

14 2. Damages. The District Court or Superior  
15 Court may award damages to any person adversely  
16 affected by a violation of section 7542, which may  
17 include an award for punitive damages. In addition  
18 to other items of special damage, measure of damages  
19 may include expenditures of the affected person for  
20 license and permit fees, travel, guides, special  
21 equipment and supplies, to the extent that the  
22 expenditures were rendered futile by prevention of  
23 taking of a wild animal, wild bird or fish.

24 STATEMENT OF FACT

25 The purpose of this bill is to prohibit the  
26 harassment of hunters, trappers and fishermen by pro-  
27 viding penalties and damage provisions for persons  
28 who interfere with the lawful taking of wild animals,  
29 wild birds and fish with the intent to prevent the  
30 taking.

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