

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 523

H.P. 392

House of Representatives, March 1, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Representative LORD of Waterboro, Representative NUTTING of Leeds and Senator BERUBE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Regarding Hunting on Private Property.



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

3 **Sec. 1. 12 MRSA §7406, sub-§16, as amended by PL 1987, c. 161,**
5 **§§1 and 2, is further amended to read:**

7 **16. Abuse of another person's property. A person is guilty**
9 **of abuse of another person's property if, while trespassing and**
11 **hunting any wild animal or wild bird, he that person:**

13 **A. Tears down or destroys any fence or wall on another**
15 **person's land;**

17 **B. Leaves open any gate or bars on another person's land;**

19 **C. Tramples or destroys any crop on another person's land;**
21 **or**

23 **D. Damages or destroys a tree on another person's land by**
25 **inserting into that tree any metallic or ceramic object to**
27 **be used as, or as part of, a ladder or observation stand.**
29 **Any other type of tree ladder or tree observation stand**
31 **shall also be prohibited unless:**

33 **(1) The written consent of the landowner is obtained**
35 **authorizing the erection of such the ladder or stand;**
37 **or**

39 **(2) The ladder or observation stand is removed by the**
41 **beginning of the 10th day following the close of the**
43 **hunting season for use during which the ladder or**
45 **observation stand was erected; or**

47 **E. Without the prior written consent of the landowner,**
49 **enters privately owned land with a motor vehicle.**

51 **Sec. 2. 12 MRSA §7901, sub-§2-B is enacted to read:**

2-B. Violation of section 7406, subsection 16, paragraph
E. A violation of section 7406, subsection 16, paragraph E, is a
civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

Sec. 3. 14 MRSA §7552, as repealed and replaced by PL 1983,
c. 816, Pt. A, §5, is amended to read:

§7552. Injury to lands or property

Whoever cuts down, destroys, injures or carries away any
ornamental or fruit tree, Christmas tree, evergreen boughs,
agricultural product, timber, wood, underwood, stones, gravel,
ore, goods or property of any kind from land not his own, without
license of the owner, or injures or throws down any fences, bars

1 or gates, or leaves such gates open, or causes damage to private
3 ways, trails or access roads on land owned by another, or breaks
5 glass in any building is liable in damages to the owner in a
7 civil action. If such an act or such acts are committed willfully
9 or knowingly, the defendant is liable to the owner in treble
11 damages and, in addition, for the cost of any professional
services necessary for the determination of damages, for
attorney's fees, and for court costs. For purposes of this
section, Christmas trees and evergreen boughs are defined in
Title 12, section 8841, and agricultural product is defined in
section 7551-A.

13
15 **STATEMENT OF FACT**

17 The purpose of this bill is to prevent property damage by
19 hunters and fishers using others' privately owned land. The bill
21 requires the landowner's prior written consent to these uses and
gives the landowner the right to sue for damages for harm done to
private roads and trails.

23 Section 1 prohibits entrance on the land of another with a
25 motor vehicle for the purpose of hunting or fishing without the
prior written consent of the landowner.

27 Section 2 makes violation of this prohibition a civil
violation for which a fine of \$100 to \$500 may be imposed.

29 Section 3 expands the current law regarding suits for damage
31 to property to allow a landowner to recover damages from one who
damages private ways, access roads or trails while on the
landowner's property.