

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1343

H.P. 954

House of Representatives, April 18, 1995

Resolve, Establishing a Commission to Study the Trespass Laws.

(EMERGENCY)

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.
Received by the Clerk of the House on April 13, 1995. Referred to the Committee on
Inland Fisheries and Wildlife and ordered printed pursuant to Joint Rule 14.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TUFTS of Stockton Springs.
Cosponsored by Representatives: CLARK of Millinocket, GOULD of Greenville,
GREENLAW of Standish, Senator: MICHAUD of Penobscot.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State contains a vast amount of private land that is traditionally used by the public for outdoor recreation; and

Whereas, a growing number of landowners wish to restrict or otherwise control the use of their land by the public; and

Whereas, there are over 100 laws relating to trespass scattered throughout the State's statutes, making it difficult for landowners, the public and law enforcement agencies to understand and enforce trespass laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission created and charged. Resolved: That there is established the Commission to Study Trespass Laws, referred to in this resolve as the "commission." The commission shall study existing trespass laws and make recommendations and suggest legislative changes regarding the consolidation and revision of existing laws into a functional set of trespass statutes that best provides for the needs of landowners and citizens of the State as well as facilitating the enforcement of trespass; and be it further

Sec. 2. Appointment. Resolved: That the commission consists of a representative from each of the following: the Department of Conservation; the Department of Public Safety; the Maine Sheriffs' Association; the Maine Chiefs of Police Association; the Department of Inland Fisheries and Wildlife; the Maine Forest Products Council; the Sportsman's/Forest Landowner Alliance; the Small Woodland Owners Association of Maine, Inc.; the Maine Farm Bureau Association; the Sportsman's Alliance of Maine; the Maine Snowmobile Association, Inc.; the Joint Standing Committee on Inland Fisheries and Wildlife; the Governor's Council on Landowner/Sportsmen Relations; and a citizen at large selected by the Governor.

The members shall choose a chair from among themselves; and be it further

Sec. 3. Staff assistance. Resolved: That the Office of Policy and Legal Analysis, with the approval of the Legislative

Council, shall provide research, clerical and computer assistance to the commission; and be it further

Sec. 4. Report. Resolved: That the commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature by January 1, 1996; and be it further

Sec. 5. Funding. Resolved: That funding to support staffing of the commission may not exceed \$18,000, to be split evenly between the Department of Inland Fisheries and Wildlife and outside sources. The department's share must come from funds budgeted to improve relations between private landowners and outdoor enthusiasts. The Legislative Council may seek outside sources of funding to finance that portion that is supposed to come from state landowners. The Legislative Council shall administer any outside funds acquired for staffing the commission. Expenditures may not be incurred relative to this study unless funds from outside sources have been received by the Legislative Council.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This resolve establishes a commission to study and revise the trespass laws in the State.