

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 588

H.P. 455

House of Representatives, February 6, 2007

**An Act To Allow Civil Penalties for Trespass while Engaging in
Activities Regulated by Inland Fisheries and Wildlife**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator BRYANT of Oxford and
Representatives: GERZOFKY of Brunswick, JACKSON of Allagash, PATRICK of Rumford,
PINEAU of Jay, WHEELER of Kittery.

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

2 **Sec. 1. 12 MRSA §10657** is enacted to read:

3 **§10657. Civil trespass**

4 **1. Prohibition.** A person is guilty of civil trespass if, knowing that that person is not
5 licensed or privileged to do so, and while engaging in any activity regulated under this
6 Part, that person:

7 A. Enters or causes a foreign object to enter any place from which that person may
8 lawfully be excluded and that is posted in accordance with Title 17-A, section 402,
9 subsection 4 or in a manner reasonably likely to come to the attention of intruders or
10 that is fenced or otherwise enclosed in a manner designed to exclude intruders; or

11 B. Enters or remains in or causes a foreign object to enter or remain in any place in
12 defiance of a lawful order not to enter or an order to vacate that was personally
13 communicated to that person by the owner of the place or another authorized person.

14 **2. Civil Penalties.** A person who violates this section commits a civil violation for
15 which a fine or not less than \$100 nor more than \$500 may be adjudged.

16 **Sec. 2. 12 MRSA §10902, sub-§4, ¶A,** as enacted by PL 2003, c. 414, Pt. A, §2
17 and as affected by c. 614, §9, is amended to read:

18 A. If a person holding a license or permit under this chapter is convicted of the
19 violation of any provision of section 10657 or Title 17-A while on a hunting or
20 fishing trip or in the pursuit of wild animals, wild birds or fish, the commissioner
21 shall revoke the license or permit held by that person for a period of at least one year,
22 except when the killing or wounding of a human being has occurred, in which case
23 the commissioner shall revoke the license or permit for at least 5 years.

24 **SUMMARY**

25 This bill establishes a civil trespass law for those involved with activities regulated or
26 requiring licensure by the Maine Revised Statutes, Title 12, Part 13. The "foreign object"
27 provision clarifies the scope of the prohibition on trespass for conservation law purposes.
28 The bill also makes commission of this violation grounds for mandatory revocation of a
29 hunting or fishing license or permit.