

# MAINE STATE LEGISLATURE

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L.D. 559

Date: 5/20/11

(Filing No. H-3/2)

Majority

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 442, L.D. 559, Bill, "An Act To Protect Owners of Private Property against Trespass"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** approximately 90% of the land used by the public for outdoor recreational activities is privately owned; and

**Whereas,** this legislation needs to take effect prior to the next hunting season to enhance landowner relations; 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,'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 12 MRSA §11227, sub-§2,** as enacted by PL 2009, c. 70, §1, is amended to read:

**2. Placement of bait.** A person may not place or hunt over bait ~~unless the~~ without the oral or written permission of the landowner or the landowner's agent. The bait site is must be plainly labeled with a 2-inch-by-4-inch tag identifying the name and address of the person establishing the bait site. This subsection does not apply to bear baiting, which is governed by section 11301.

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

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

**Sec. 2. 12 MRSA §11228** is enacted to read:

**§11228. Hunting with dogs**

**1. Collar required.** A person may not hunt with a dog in pursuit of bear, coyote or bobcat unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog.

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

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

**2. Limit on number of dogs.** A person or persons may not use more than 6 dogs at any one time to hunt coyotes or bobcats. A person who violates this subsection commits a Class E crime.

**3. Night hunting with dogs.** A person may not use a dog to hunt coyotes during the period from 30 minutes after sunset to 30 minutes before sunrise. A person who violates this subsection commits a Class E crime.

**Sec. 3. 12 MRSA §11301, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §156 and affected by §422, is further amended to read:

**1. Bear baiting.** A person may not use bait to hunt or trap black bear, unless:

A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle;

B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter;

C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground;

D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee;

E. The bait is placed not more than 30 days before the opening day of the season and not after October 31st;

F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and

G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind.

A person may not use bait to hunt or trap black bear without the oral or written permission of the landowner.

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**Sec. 4. 17-A MRSA §402, sub-§4, ¶B**, as enacted by PL 1995, c. 529, §2, is amended to read:

B. Paint markings mean that access is prohibited without permission of the landowner or the landowner's agent. Paint markings must consist of 2 painted horizontal lines per tree, post or other object.

(1) Each line must be a minimum of 2 inches high and at least as long as the width of the object, but need not be more than 8 inches long.

(2) Lines must be painted on the side of the tree, post or other object that is visible to a person approaching the restricted property and must be painted within an area 3 feet to 6 feet above ground level.

(3) The paint must be silver or aluminum colored.

This paragraph is repealed September 12, 2012.

**Sec. 5. 17-A MRSA §402, sub-§4, ¶B-1** is enacted to read:

B-1. Paint markings made pursuant to this paragraph mean that access is prohibited without permission of the landowner or the landowner's agent. Paint markings made pursuant to this paragraph must consist of a conspicuous vertical line at least one inch in width and at least 8 inches in length and must be placed so that the bottoms of the marks are not less than 3 feet from the ground or more than 5 feet from the ground at locations that are readily visible to any person approaching the property and no more than 100 feet apart. Paint markings may be placed on trees, posts or stones as described in this paragraph. The Department of Conservation, Bureau of Forestry shall adopt rules to determine the color and type of paint that may be used to post property pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

## SUMMARY

This amendment replaces the bill and:

1. Adds an emergency preamble and clause;
2. Provides that a person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent;
3. Provides that a person may not hunt bear, coyote or bobcat with a dog unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog;
4. Prohibits the use of a dog to hunt a coyote during the period from 30 minutes after sunset to 30 minutes before sunrise;
5. Limits the number of dogs a person or persons may use to hunt coyotes or bobcats to 6 dogs; and

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COMMITTEE AMENDMENT "A" to H.P. 442, L.D. 559

- 1 6. Adds another method of posting private property to the current method of
- 2 horizontal silver paint stripes by allowing a vertical paint mark with the color and type of
- 3 paint determined by the Department of Conservation, Bureau of Forestry. The
- 4 amendment repeals the current silver paint marking provisions September 12, 2012.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



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**125th MAINE LEGISLATURE****LD 559****LR 667(02)****An Act To Protect Owners of Private Property against Trespass****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: Inland Fisheries and Wildlife****Fiscal Note Required: Yes**

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**Fiscal Note****Correctional and Judicial Impact Statements**

Establishes new Class E crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.

**Fiscal Detail and Notes**

<b>Correctional Cost Detail</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
Class E Crime	\$0	\$0	\$3,132	\$3,132	\$3,132
<b>Total Cost - All Convictions</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,132</b>	<b>\$3,132</b>	<b>\$3,132</b>

This estimate assumes one conviction per year beginning in fiscal year 2013-14. The additional costs to the Department of Conservation associated with rulemaking can be absorbed with existing staff and within existing budgeted resources.