

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 128

S.P. 47

In Senate, January 17, 2017

An Act To Prohibit Foraging on Private Land without Permission

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senator: DAVIS of Piscataquis, Representative: HARLOW of Portland.

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

2 **Sec. 1. 12 MRSA §8842-A, sub-§1**, as amended by PL 2015, c. 55, §1, is further
3 amended to read:

4 **1. Cutting prohibited.** A person may not:

5 A. Cut or harvest Christmas trees ~~or~~ evergreen boughs or edible wild food on land
6 of another without securing written permission or a bill of sale from the owner or the
7 owner's authorized agents and having a copy of this written permission or bill of sale
8 in immediate possession. Violation of this paragraph is a Class E crime; or

9 B. Violate paragraph A when:

10 (1) The value of the trees ~~or~~ boughs or edible wild food is more than \$10,000.
11 Violation of this subparagraph is a Class B crime;

12 (2) The person is armed with a dangerous weapon at the time of the offense.
13 Violation of this subparagraph is a Class B crime;

14 (3) The value of the trees ~~or~~ boughs or edible wild food is more than \$2,000 but
15 not more than \$10,000. Violation of this subparagraph is a Class C crime;

16 (4) The value of the trees ~~or~~ boughs or edible wild food is more than \$1,000 but
17 not more than \$2,000. Violation of this subparagraph is a Class D crime; or

18 (5) The person has 2 prior Maine convictions for any combination of the
19 following: theft; any violation of Title 17-A, section 401 in which the crime
20 intended to be committed inside the structure is theft; any violation of Title 17-A,
21 section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts
22 thereat. Title 17-A, section 9-A governs the use of prior convictions when
23 determining a sentence. Violation of this subparagraph is a Class C crime.

24 **Sec. 2. 12 MRSA §8842-A, sub-§§2 and 3**, as enacted by PL 2003, c. 452, Pt. F,
25 §40 and affected by Pt. X, §2, are amended to read:

26 **2. Transport prohibited.** A person may not:

27 A. Transport Christmas trees ~~or~~ evergreen boughs or edible wild food without
28 written permission or a bill of sale from the owner of the land where the trees ~~or~~
29 evergreen boughs or edible wild food were harvested or that owner's authorized
30 agents. Violation of this paragraph is a Class E crime; or

31 B. Violate paragraph A when:

32 (1) The value of the trees ~~or~~ boughs or edible wild food is more than \$10,000.
33 Violation of this subparagraph is a Class B crime;

34 (2) The person is armed with a dangerous weapon at the time of the offense.
35 Violation of this subparagraph is a Class B crime;

36 (3) The value of the trees ~~or~~ boughs or edible wild food is more than \$2,000 but
37 not more than \$10,000. Violation of this subparagraph is a Class C crime;

1 (4) The value of the trees ~~or~~ boughs or edible wild food is more than \$1,000 but
2 not more than \$2,000. Violation of this subparagraph is a Class D crime; or

3 (5) The person has 2 prior Maine convictions for any combination of the
4 following: theft; any violation of Title 17-A, section 401 in which the crime
5 intended to be committed inside the structure is theft; any violation of Title 17-A,
6 section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts
7 thereat. Title 17-A, section 9-A governs the use of prior convictions when
8 determining a sentence. Violation of this subparagraph is a Class C crime.

9 **3. Inspections and investigations.** An officer authorized to make inspections and
10 investigations under this article may require of any person, firm or corporation engaged in
11 cutting, harvesting or transporting Christmas trees ~~or~~ evergreen boughs or edible wild
12 food to show:

13 A. If engaged in cutting or harvesting trees ~~or~~ boughs or edible wild food belonging
14 to another, a current written permit or bill of sale issued pursuant to subsection 1,
15 paragraph A; and

16 B. If engaged in transportation, a current written permit, bill of sale, port of entry
17 statement or other written proof of ownership when transporting for commercial
18 purposes trees, loose or in bundles, ~~or~~ boughs, loose or baled, or edible wild food. A
19 driver shall carry this permit on the driver's person or in the vehicle.

20 **Sec. 3. 12 MRSA §8844**, as repealed and replaced by PL 1983, c. 507, §2, is
21 amended to read:

22 **§8844. Seizure or attachment**

23 Any officer authorized to make inspections, investigations or arrests under this
24 Article may seize and hold Christmas trees ~~or~~ evergreen boughs or edible wild food until
25 proof of ownership has been established. If no proof of ownership has been established,
26 the officer shall try to determine where those trees ~~or~~ boughs or edible wild food were
27 cut or harvested and notify the landowner. If the owner does not want the trees ~~or~~ boughs,
28 or edible wild food or ownership cannot be determined, the State may dispose of
29 them and any money derived from the disposition of the trees ~~and~~ boughs shall or edible
30 wild food must be paid to the landowner, if ~~his~~ the landowner's identity can be
31 established and, otherwise, to the Treasurer of State to be credited to the General Fund.

32 **Sec. 4. 12 MRSA §8847**, as repealed and replaced by PL 1983, c. 507, §4, is
33 amended to read:

34 **§8847. Enforcement agencies**

35 State police, county sheriffs, municipal law enforcement officers, state forest rangers
36 and game wardens are authorized to make inspections, investigations, arrests and
37 disposals of trees ~~and~~ boughs or edible wild food under this ~~Article~~ article.

38 **Sec. 5. 22 MRSA §2175, sub-§3**, as amended by PL 2013, c. 533, §21, is further
39 amended to read:

