

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1951

H.P. 1454

House of Representatives, January 26, 2022

An Act Related to Hunting Dogs and Civil Trespass

Reported by Representative LANDRY of Farmington for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Resolve 2021, chapter 77, section 2.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 12 MRSA §10265**, as amended by PL 2019, c. 501, §7, is further amended
3 to read:

4 **§10265. Landowner Relations Fund**

5 The Landowner Relations Fund, referred to in this section as "the fund," is established
6 within the department as a nonlapsing fund to be used by the commissioner to fund or assist
7 in funding the landowner relations program established pursuant to section 10108,
8 subsection 4-A and the Keep Maine Clean program established in section 10108,
9 subsection 4-B. All funds from fees collected under section 10108, subsection 4-A,
10 paragraph C and money accepted by the commissioner pursuant to section 10108,
11 subsection 4-B must be deposited in the fund. Funds from fees collected under section
12 11163, subsection 3, after the deduction of any administrative costs incurred in collecting
13 the fees, must be deposited in the fund. The fund receives any other funds appropriated or
14 allocated to the fund. The commissioner may accept and deposit into the fund monetary
15 gifts, donations or other contributions from public or private sources for the purposes
16 specified in this section. The fund must be held separate and apart from all other money,
17 funds and accounts.

18 **Sec. 2. 12 MRSA §10657-A** is enacted to read:

19 **§10657-A. Civil trespass with hunting dog**

20 **1. Definitions.** For the purposes of this section, unless the context otherwise indicates,
21 the following terms have the following meanings.

22 A. "Dog handler" means a person involved in releasing a dog to pursue a wild animal,
23 including but not limited to the owner of the dog and any person involved in
24 transporting, loading, unloading, catching, restraining, releasing or tracking the dog.

25 B. "Turn a hunting dog loose" means to release or to be involved as a dog handler in
26 the release of a dog to pursue a wild animal for the purposes of hunting the wild animal
27 or in order to train the dog in hunting wild animals and includes but is not limited to
28 the release of the dog to join other dogs already in pursuit of the wild animal.

29 **2. Prohibition.** While engaging in any activity regulated under this Part, a person may
30 not turn a hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

31 A. Onto the property of another if:

32 (1) The landowner or the landowner's agent has personally communicated to a dog
33 handler of the dog that the landowner does not want a hunting dog released onto
34 that property; or

35 (2) The property is posted in accordance with Title 17-A, section 402, subsection
36 4 or in a manner reasonably likely to come to the attention of a person, unless a
37 dog handler of the dog has express permission from the landowner or the
38 landowner's agent to turn a hunting dog loose onto that property; or

39 B. In a manner that results in the hunting dog entering the property of another, if a
40 hunting dog has been previously found on that property and any dog handler of the
41 hunting dog has been notified in writing by a law enforcement officer within the
42 previous 365 days that the landowner does not permit hunting dogs on that property.

1 **3. Civil penalties.** The following penalties apply to violations of this section.
2 A. A person who violates this section commits a civil violation for which a fine of not
3 less than \$250 and not more than \$500 may be adjudged.

4 B. A person who violates this section after having been adjudicated of violating this
5 section in the prior 365 days commits a civil violation for which a fine of not less than
6 \$500 and not more than \$1,000 may be adjudged.

7 **Sec. 3. 12 MRSA §10902, sub-§6, ¶I,** as amended by PL 2013, c. 538, §7, is
8 further amended to read:

9 I. Hunting bear over another person's bait without written permission of that person in
10 violation of section 11301, subsection 1-A; ~~or~~

11 **Sec. 4. 12 MRSA §10902, sub-§6, ¶J,** as enacted by PL 2013, c. 538, §8, is
12 amended to read:

13 J. Hunting or any violation of section 10906 while that person's license is revoked; ~~or~~

14 **Sec. 5. 12 MRSA §10902, sub-§6, ¶K** is enacted to read:

15 K. A 2nd violation of civil trespass with a hunting dog in violation of section 10657-A.

16 **Sec. 6. 12 MRSA §10902, sub-§7-D** is enacted to read:

17 **7-D. Civil trespass with hunting dog.** The commissioner shall revoke the dog
18 training and hunting permit of a person convicted or adjudicated of civil trespass with a
19 hunting dog in violation of section 10657-A, and that person is ineligible to obtain a dog
20 training and hunting permit under section 11163 as follows:

21 A. For a first offense, for a period of one year from the date of adjudication; and

22 B. For a 2nd offense, for a period of 2 years from the date of adjudication.

23 **Sec. 7. 12 MRSA §11163** is enacted to read:

24 **§11163. Dog training and hunting permit**

25 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
26 may not train a hunting dog on bear, fox or raccoon or hunt bear, coyote, bobcat, fox or
27 raccoon with a dog without a valid dog training and hunting permit issued under this
28 section. A person who is training or hunting with a dog under the supervision of and in the
29 presence of a licensed guide who has a valid dog training and hunting permit is exempt
30 from this subsection.

31 **2. Issuance of permit.** The commissioner or the commissioner's authorized agent
32 shall issue a dog training and hunting permit to an applicant 16 years of age or older
33 permitting the applicant to hunt with or train dogs. A person under 16 years of age may,
34 without a dog training and hunting permit, hunt with or train dogs in accordance with this
35 Part.

36 **3. Fee.** The fee for a dog training and hunting permit is \$12.

37 **4. Violations.** The following penalties apply to violations of this section.

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

1 1. It requires a person to obtain a permit to train a hunting dog on bear, fox or raccoon
2 or hunt bear, coyote, bobcat, fox or raccoon with a dog. It exempts from the permit
3 requirement a person with a junior hunting license and persons hunting or training with a
4 guide. It provides for penalties for failure to have a permit and provides that permit fees are
5 deposited into the Landowner Relations Fund.

6 2. It requires a person training a dog in pursuit of a bear, fox or raccoon to have a collar
7 on the dog with a functioning global positioning system tracker and a collar that legibly
8 provides the name, telephone number and address of the owner of that dog.

9 3. It requires a person hunting with a dog in pursuit of a bear, coyote, bobcat, fox or
10 raccoon to have a collar on the dog that has a functioning global positioning system tracker
11 and adds foxes and raccoons to the list of wild animals a person may not hunt with a dog
12 unless the dog has a collar that legibly provides the name, telephone number and address
13 of the owner of the dog.

14 4. It limits hunting foxes or raccoons with dogs to not more than 6 dogs.

15 5. It prohibits certain types of trespass by a hunting dog. A person may not turn a
16 hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

17 A. Onto the property of another if the property is posted or if the landowner has notified
18 the dog handler that hunting dogs are not allowed on the property; or

19 B. In a manner that results in the hunting dog entering the property of another, if a
20 hunting dog has been previously found on that property and any dog handler of the
21 hunting dog has been notified in writing by a law enforcement officer within the
22 previous 365 days that the landowner does not permit hunting dogs on the property.