125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document   **No. 559**

H.P. 442   House of Representatives, February 15, 2011

An Act To Protect Owners of Private Property against Trespass

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

[signature]

HEATHER J.R. PRIEST
Clerk

Presented by Representative O'BRIEN of Lincolnville.
Cosponsored by Representative WALSH INNES of Yarmouth and
Representatives: BERRY of Bowdoinham, BLODGETT of Augusta, DILL of Old Town, KUMIEGA of Deer Isle, STEVENS of Bangor, STUCKEY of Portland, WEBSTER of Freeport, WELSH of Rockport.

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

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

4   **2. Placement of bait.** A person may not place bait without written permission of the
5   landowner or the landowner's agent and unless the bait site is plainly labeled with a 2-
6   inch-by-4-inch tag identifying the name and address of the person establishing the bait
7   site.

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

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

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

14   **§11228. Hunting with dogs**

15   **1. Written permission.** A person may not hunt with dogs in pursuit of bears,
16   coyotes or bobcats on the land of another without written permission from the landowner
17   or the landowner's agent.

18   **2. Electronic device.** A person may not hunt with dogs in pursuit of bears, coyotes
19   or bobcats unless the dogs are fitted with an electronic device to transmit the geographic
20   position of the dogs.

21   **Sec. 3. 12 MRSA §11301, sub-§1, ¶D,** as enacted by PL 2003, c. 414, Pt. A, §2
22   and affected by c. 614, §9, is amended to read:

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

25   **Sec. 4. 12 MRSA §12001, sub-§4** is enacted to read:

26   **4. Landowner permission.** A person may not hunt coyotes at night on private
27   property without possessing written permission from the landowner or landowner's agent.

28   **Sec. 5. 17-A MRSA §402, sub-§4, ¶B,** as enacted by PL 1995, c. 529, §2, is
29   amended to read:

30   B. Paint markings mean that access is prohibited without permission of the
31   landowner or the landowner's agent. Paint markings must consist of 2 painted
32   horizontal lines per tree, post or other object if silver or aluminum in color or one
33   vertical painted line per tree, post or other object if purple.

34   (1) Each line must be a minimum of 2 inches high and at least as long as the
35   width of the object, but need not be more than 8 inches long if the line is silver or
36   aluminum in color.

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

5   (3) The paint must be silver or aluminum colored or purple as described in this
6 paragraph.

7   (4) Conspicuous purple paint marks may be placed on trees, posts or stones on
8 the restricted property as long as the marks are vertical lines at least one inch in
9 width and at least 8 inches in length placed so that the bottoms of the marks are
10 not less than 3 feet from the ground or more than 5 feet from the ground at
11 locations that are readily visible to any person approaching the property and no
12 more than 100 feet apart.

SUMMARY

14   This bill requires that a hunter get written permission when baiting, night hunting
15 coyotes and hunting bears, coyotes or bobcats with dogs. It also provides another way to
16 conspicuously mark land where permission is required for access.