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

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

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

§ 10657. Civil trespass

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

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

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

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

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

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

SUMMARY

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