



126th MAINE LEGISLATURE

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Legislative Document

No. 749

H.P. 500

House of Representatives, February 28, 2013

**An Act To Prohibit the Taking or Possession of a Natural Resource
That Is on the Land of Another**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: BLACK of Wilton, CASSIDY of Lubec, CRAY of Palmyra, HUBBELL of
Bar Harbor, RUSSELL of Portland, TIMBERLAKE of Turner.

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

2 **Sec. 1. 17 MRSA §2513** is enacted to read:

3 **§2513. Taking of natural resources**

4 **1. Taking of natural resources.** A person may not take, remove or possess a
5 natural resource from the property of another without written permission from the owner
6 of the property. For purposes of this section, "natural resource" means any element,
7 material, object, plant, mineral or organism that exists naturally and is not made,
8 fabricated or created by a human being and includes any natural element, material, object,
9 plant, mineral or organism that has been grown, bred, nurtured, collected, sown or
10 manipulated by a human being.

11 **2. Penalties.** The following penalties apply to a violation of subsection 1.

12 **A.** A person who violates subsection 1 commits a civil violation for which a fine of
13 not less than \$100 must be adjudged.

14 **B.** A person who violates subsection 1 commits a Class E crime for which a fine of
15 not less than \$250 must be adjudged if:

16 (1) The value of the natural resource exceeds \$100; or

17 (2) The person violates subsection 1 after having been adjudicated of committing
18 a violation under subsection 1.

19 A violation under this paragraph is a strict liability crime as defined in Title 17-A,
20 section 34, subsection 4-A.

21 **3. Restitution.** In addition to any penalties imposed pursuant to subsection 2 and,
22 when appropriate, in accordance with the requirements of Title 17-A, chapter 54, the
23 court shall order restitution to the landowner for the fair market value of the natural
24 resource taken, removed or possessed.

25 **SUMMARY**

26 This bill makes the taking, removing or possessing of a natural resource from the
27 property of another without written permission from the owner a civil violation and
28 makes it a Class E crime if the value of the resource taken exceeds \$100 or if the offense
29 is repeated.