

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1077 - L.D. 1623

**An Act to Amend Certain Fish and Wildlife Laws Related to Landowner
Representation Regarding Abandoned Property**

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

Sec. 1. 12 MRSA §10652, sub-§1, ¶A, as amended by PL 2021, c. 54, §2, is further amended to read:

A. A person may not:

- (1) Tear down or destroy any fence or wall on another person's land;
- (2) Leave open any gate or bars on another person's land;
- (3) Trample or destroy any crop on another person's land;
- (4) Damage or destroy a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand unless the person has the permission of the landowner or the landowner's representative;
- (5) Erect or use either a portable or permanent ladder or observation stand on the land of another person unless:
 - (a) That person has obtained oral or written authorization to erect and use a ladder or observation stand from the landowner or the landowner's representative; and
 - (b) The ladder or observation stand is plainly labeled with a 2-inch by 4-inch tag identifying the name and address of the person or persons authorized by the landowner or the landowner's representative to use the ladder or observation stand.

This subparagraph does not apply to a portable ladder or observation stand that is located on land within the jurisdiction of the Maine Land Use Planning Commission and attended by the person who owns the ladder or observation stand. For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter;
or

If the landowner or the landowner's representative finds an abandoned ladder or observation stand on the landowner's land in violation of this subparagraph and the owner of the abandoned ladder or observation stand is unknown, the landowner or the landowner's representative may take ownership of the abandoned ladder or observation stand. The landowner or the landowner's representative may remove, destroy, sell or possess the abandoned ladder or observation stand. For the purposes of this subparagraph, "abandoned ladder or observation stand" means a ladder or observation stand left on property not owned by the person who owns the ladder or observation stand without permission of the landowner or the landowner's representative; or

(6) Destroy, tear down, deface or otherwise damage a property posting sign under Title 17-A, section 402, subsection 4.

Sec. 2. 12 MRSA §13070, sub-§2, as affected by PL 2003, c. 614, §9, amended by c. 655, Pt. B, §382 and affected by §422, is further amended to read:

2. Stop and identify requirement. Persons operating an airmobile upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner's ~~duly authorized~~ representative. A person who violates this subsection commits a Class E crime.

Sec. 3. 12 MRSA §13106-A, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended to read:

2. Stop and identify requirement. Persons operating a snowmobile upon the land of another shall stop and identify themselves upon the request of the landowner or the landowner's ~~duly authorized~~ representative.

A person who violates this subsection commits a Class E crime.

Sec. 4. 12 MRSA §13155, sub-§5-B, as amended by PL 2021, c. 526, §2, is further amended to read:

5-B. Oversized ATV; exception. A person may not register an oversized ATV except as provided in this subsection. A resident who has registered an oversized ATV prior to January 1, 2022 may continue to register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered oversized ATV, the new owner may also register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A. Registration is not required for an oversized ATV operated by a person on the land of another if written permission is received from the landowner ~~or~~, lessee of the land ~~or~~ landowner's representative and the person is engaged solely in a business activity, other than a business activity involving recreational use of the oversized ATV. For purposes of this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.

Sec. 5. 12 MRSA §13157-A, sub-§1-A, as amended by PL 2021, c. 215, §11, is further amended to read:

1-A. Permission required. A person may not operate an ATV on the land of another without the permission of the landowner ~~or~~, lessee ~~or~~ landowner's representative. Permission is presumed on designated state-approved ATV trails or in areas open to ATVs

by landowner policy. A landowner ~~or~~, lessee or landowner's representative may limit the use of a designated state-approved ATV trail on that landowner's or lessee's property through agreements with the State or an ATV club to address environmental, public safety or management concerns, including by limiting the type, size and weight of ATVs permitted on the landowner's or lessee's property. A person operating an ATV, including an oversized ATV, on designated state-approved ATV trails shall adhere to limitations imposed by a landowner ~~or~~, lessee or landowner's representative and the State on that part of the designated state-approved ATV trail on the landowner's or lessee's property in accordance with this subsection. Written permission of the landowner ~~or~~, lessee or landowner's representative is required for use of an ATV on cropland or pastureland or in an orchard. A landowner, lessee or landowner's representative may limit in writing the use of a designated state-approved ATV trail on that landowner's or lessee's property. As used in this subsection, "cropland" means acreage in tillage rotation, land being cropped and land in bush fruits and "pastureland" means acreage devoted to the production of forage plants used for animal production. For purposes of this subsection, "oversized ATV" has the same meaning as defined in section 13155, subsection 5-B. ~~Nothing in this~~ This subsection may not be construed to limit or expand a landowner's or lessee's property rights.

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

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

Sec. 6. 12 MRSA §13157-A, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended to read:

2. Stop and identify requirement. Persons operating ATVs upon the land of another shall stop and identify themselves upon the request of the landowner, lessee or the landowner's ~~duly authorized~~ representative. A person who violates this subsection commits a Class E crime.

Sec. 7. 12 MRSA §13157-A, sub-§27, ¶A, as enacted by PL 2005, c. 397, Pt. E, §26 and amended by PL 2011, c. 657, Pt. W, §5, is further amended by amending subparagraph (2) in the first blocked paragraph to read:

The provisions of this subparagraph do not apply to a trail designated for ATV use by the Department of Agriculture, Conservation and Forestry. The provisions of this subparagraph also do not apply to a person accessing land for maintenance or inspection purposes with the landowner's permission or the landowner's representative's permission or to local, state or federal government personnel in the performance of official duties, ~~provided as long as~~ provided as long as there is no significant ground disturbance or sedimentation of water bodies.

Sec. 8. 33 MRSA §2001, as enacted by PL 2013, c. 382, §1, is amended to read:

§2001. Placement of cameras and electronic surveillance equipment on private property

1. Prohibition. A person may not place a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of

another without the written consent of the landowner or the landowner's representative, unless the placement is pursuant to a warrant.

2. Labeling. A person who places a camera or electronic surveillance equipment described in subsection 1 on the private property of another with the written consent of the landowner or the landowner's representative or pursuant to a warrant shall label the camera or electronic surveillance equipment with that person's name and contact information.

3. Remove or disable; abandoned camera or electronic surveillance equipment. A landowner or the landowner's representative may remove or disable a camera or electronic surveillance equipment placed on the landowner's private property in violation of this section. If the landowner or the landowner's representative finds an abandoned camera or electronic surveillance equipment on the landowner's land in violation of this section and the owner of the abandoned camera or electronic surveillance equipment is unknown, the landowner or the landowner's representative may take ownership of the abandoned camera or electronic surveillance equipment. The landowner or the landowner's representative may remove, destroy, sell or possess the abandoned camera or electronic surveillance equipment. For purposes of this section, "abandoned camera or electronic surveillance equipment" means a camera or electronic surveillance equipment left on property not owned by the person who owns the camera or electronic surveillance equipment without permission of the landowner or the landowner's representative.

4. Exceptions. This section does not prohibit the following:

- A. The use of a camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or
- B. The use of implanted or attached electronic devices to identify, monitor and track animals.

5. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged.