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Executive Director

Maine Woodland Owners

In Support of

LD 1623 "An Act to Amend Certain Fish and Wildlife Laws Related to Landowner Representation Regarding Abandoned Property"

Senator Baldacci, Representative Roberts and Members of the Joint Standing Committee on Inland Fisheries and Wildlife, my name is Tom Doak, I am the Executive Director of Maine Woodland Owners speaking today in support of LD 1623 "An Act to Amend Certain Fish and Wildlife Laws Related to Landowner Representation Regarding Abandoned Property".

I am speaking specifically to the sections of the bill related to tree stands and game cameras.

Maine is an open "trespass state" meaning it is assumed a person can access open land without the permission of the landowner. There are, however, a few exceptions. Anyone land trapping, operating an ATV, placing a "game camera," or erecting a "tree stand" must have the permission of the landowner. This bill clarifies the status of game cameras and tree stands that are placed illegally on the land of another person.

The use of tree stands and game cameras has increased dramatically over the last several years. What were once very expensive items have become much more affordable and much more common in their use. Landowners are increasingly finding unauthorized tree stands and game cameras on their land. And while by law, the tree stand or camera must be labeled with the owner's name and address, rarely are the illegal ones labeled.

The customary practice for many landowners, who object to having these on their land, is to take the tree stand or camera and dispose of them as they wish. And, I have never heard from a landowner who found one, removed it, and then was contacted by the owner of the tree stand or game camera. This bill clarifies that illegally placed game cameras or tree stands are considered abandoned property and become the property of the landowner on which they are found.

While we strongly support this bill, we do have concerns regarding the requirement to consult with the Warden Service before the illegal game camera or tree stand is considered abandoned and landowner can take possession. While it may be a good idea for a landowner to involve the Warden Service in assisting with the issue, the requirement to consult before being allowed to take possession seems unnecessary.

I am not sure what consulting the Warden Service would involve. Would this mean that until a warden ok's its removal, and landowner would have to allow the tree stand to remain, or the game camera to continue to operate? Would landowners who are unaware of the consultation requirement be committing theft if they remove and dispose of illegal cameras they find on their own land? Does the Warden Service have the resources to respond in the timely fashion to the growing number of landowners finding illegal tree stands or game cameras? Additionally, landowners would expect confirmation, in writing, from the Warden Service that the required consultation had occurred.

The consultation requirement places a burden of dealing with illegal cameras and tree stands on the landowner. The burden should be on the person who owns the camera or tree stand. If they have placed these on someone's land illegally and find them missing, they should "consult" with the Warden Service. I suspect very few will.

We believe the simplest approach, and the one that follows existing practice, is to make it clear that an illegally placed game camera or tree stand is considered abandoned and becomes the property of the landowner. We hope you will pass this bill without the consultation requirement.

We are supportive of the other sections of this bill. They are largely technical changes in which the Department is the best source to discuss.