

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN SUPPORT OF L.D. 1623**

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

Presented by Representative DILL of Old Town. Cosponsored by Representatives:
BRIDGEO of Augusta, CRAY of Palmyra, MASON of Lisbon, ROBERTS of South
Berwick, THORNE of Carmel.

DATE OF HEARING: Wednesday, April 23, 2025

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Aaron Cross, Game Warden Major at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of L.D. 1623 An Act to Amend Certain Fish and Wildlife Laws Related to Landowner Representation Regarding Abandoned Property.

This bill allows a landowner's representative to act on behalf of a landowner regarding the placement of a ladder, an observation stand, a camera or electronic surveillance equipment or the operation of an ATV on the landowner's property. It requires people who ride ATVs on land of another to stop and identify themselves upon the request of the landowner or landowner representative. It explains that 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. It also clarifies that for the Oversized ATV exception that registration is not required for an oversized ATV operated by a person on land of another if written permission is received from the landowner, lessee of the land or landowner's representative and the person is engaged solely in business activity other than a business activity involving recreational use of the oversized ATV. It provides that if a landowner or landowner's representative finds an abandoned ladder, an observation stand, a camera or electronic surveillance equipment on the landowner's land in violation of law and the owner of equipment is unknown, the landowner or the landowner's representative may, after consultation with the Department, Bureau of Warden Service, take ownership of the equipment. The landowner or their representative may remove, destroy, sell or possess the abandoned ladder, observation stand, camera or electronic surveillance equipment.

This bill is a result of conversations between private landowners, landowner representatives and Maine Warden Service and the goal is to provide greater clarity and guidance on a couple of landowner topics. One proposal is to add the term “landowner’s representative” in addition to a landowner, within Title 12, 13157-A(1-A) which establishes the law that requires permission for use of an ATV on land of another. This is important as many landowners have land individual representatives or management companies that manage the land for the landowner.

This bill also seeks clarification and guidance for the legal process of obtaining ownership of illegally placed hunting equipment. The Commissioners Landowner and Land User Relations Advisory Board is supportive of this legislation which would provide clarification of abandoned property laws pertaining to game cameras and tree stands. Specifically in those cases when they have been placed or left without permission and/or without proper labeling as required by law. Current law allows for the removal of cameras, but some ambiguity seems to remain as to rights beyond that when dealing with the removed property.

Hunters often utilize elevation stands (also known as tree stands) for big game hunting in Maine and use electronic cameras to enhance their hunting experience. Within Maine law Title 33 section 2001 requires a person to have written permission for placement of electronic cameras on private property and allows the landowner to remove or disable the cameras if they are found to be illegal. The law does not specify what the landowner can do after they have removed or disabled the illegal game camera.

The Maine Warden Service handles numerous calls throughout the year for these situations. When they receive these types of complaints the district game warden will investigate the hunting equipment that was found by the landowner. In many cases, the game warden will not be able to identify the owner of the hunting equipment because the person who placed the hunting equipment did not label the tree stand or the game camera. These are violations of Title 12 §10652 (5) (b) and Title 33 §2001 respectively.

Commonly, landowners ask what can be done with the hunting equipment and wardens provide several options which include:

- Leave the hunting equipment where it is to allow the Game Warden to continue to check it to see if they can locate the owner/user.
- Remove the hunting equipment to see if anyone reports their equipment stolen; or
- Let the landowner take the hunting equipment from the location where they found it.

Various Maine laws address abandoned property issues such as abandoned ice fishing shacks left on the land of another without permission within Title 17, and several processes through the court that include, Title 12 §10502 and §10503 (libel of fish, wildlife and related equipment), and Title 25 §3507 (process to return property found either to a law enforcement officer or return it to the person who found it). These options are onerous for the landowner and law enforcement given the fact that this equipment generally costs between \$100-\$1000 dollars. Allowing the landowner, after finding equipment whose owner is unknown and after consultation with Warden Service to keep the abandoned property will provide clearer guidance.

I would be glad to answer any questions at this time or during the work session.