

§4314. Permission required

1. Possession or removal unlawful. It is unlawful for a person to harvest, pick, rake, possess or remove wild blueberries from the land of an owner without first securing written permission from the owner or the owner's authorized agent. This section does not apply to members of an organized crew, if the crew leader has first secured the written permission of the owner. The written permission must identify the land by reference to tax map, lot number and town, township or plantation or to global positioning coordinates for the area where wild blueberries are managed. A person authorized to make inspections under this chapter may require a person on the land of an owner who has possession of wild blueberries or is found harvesting, raking, picking or removing wild blueberries to show valid written permission. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2007, c. 694, §6 (AMD).]

2. No effect on other laws. Nothing in this section may be construed:

A. To relieve any person of any obligation to obtain permission to enter upon the land or premises of another; or [PL 1989, c. 214, §2 (NEW).]

B. To affect any criminal or civil liability which may exist for unauthorized entry, trespass, theft or conversion. [PL 1989, c. 214, §2 (NEW).]

[PL 1989, c. 214, §2 (NEW).]

3. Violation; first offense. A person who violates subsection 1 commits a Class E crime.

[PL 2007, c. 694, §7 (RPR).]

4. Violation; subsequent offenses. A person who violates subsection 1 when the person has 2 prior convictions for violation of subsection 1 commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

[PL 2007, c. 694, §8 (NEW).]

SECTION HISTORY

PL 1989, c. 214, §2 (NEW). PL 1997, c. 511, §22 (AMD). PL 2007, c. 694, §§6-8 (AMD). PL 2023, c. 18, §2 (AMD).

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