

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

H.P. 1454 - L.D. 1951

An Act Related to Hunting Dogs and Civil Trespass

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

Sec. 1. 12 MRSA §10265, as amended by PL 2019, c. 501, §7, is further amended to read:

§10265. Landowner Relations Fund

The Landowner Relations Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the landowner relations program established pursuant to section 10108, subsection 4-A and the Keep Maine Clean program established in section 10108, subsection 4-B. All funds from fees collected under section 10108, subsection 4-A, paragraph C and money accepted by the commissioner pursuant to section 10108, subsection 4-B must be deposited in the fund. Funds from fees collected under section 11163, subsection 3, after the deduction of any administrative costs incurred in collecting the fees, must be deposited in the fund. The fund receives any other funds appropriated or allocated to the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 2. 12 MRSA §10657-A is enacted to read:

§10657-A. Civil trespass with hunting dog

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dog handler" means a person involved in releasing a dog to pursue a wild animal, including but not limited to the owner of the dog and any person involved in transporting, loading, unloading, catching, restraining, releasing or tracking the dog.

B. "Turn a hunting dog loose" means to release or to be involved as a dog handler in the release of a dog to pursue a wild animal for the purposes of hunting the wild animal or in order to train the dog in hunting wild animals and includes but is not limited to the release of the dog to join other dogs already in pursuit of the wild animal.

2. Prohibition. While engaging in any activity regulated under this Part, a person may not turn a hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

A. Onto the property of another if:

(1) The landowner or the landowner's agent has personally communicated to a dog handler of the dog that the landowner does not want a hunting dog released onto that property; or

(2) The property is posted in accordance with Title 17-A, section 402, subsection 4 or in a manner reasonably likely to come to the attention of a person, unless a dog handler of the dog has express permission from the landowner or the landowner's agent to turn a hunting dog loose onto that property; or

B. In a manner that results in the hunting dog entering the property of another, if a hunting dog has been previously found on that property and any dog handler of the hunting dog has been notified in writing by a law enforcement officer within the previous 365 days that the landowner does not permit hunting dogs on that property.

3. Civil penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$250 and not more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated of violating this section in the prior 365 days commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

Sec. 3. 12 MRSA §10902, sub-§6, ¶I, as amended by PL 2013, c. 538, §7, is further amended to read:

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A; ~~or~~

Sec. 4. 12 MRSA §10902, sub-§6, ¶J, as enacted by PL 2013, c. 538, §8, is amended to read:

J. Hunting or any violation of section 10906 while that person's license is revoked; ~~or~~

Sec. 5. 12 MRSA §10902, sub-§6, ¶K is enacted to read:

K. A 2nd violation of civil trespass with a hunting dog in violation of section 10657-A.

Sec. 6. 12 MRSA §10902, sub-§7-D is enacted to read:

7-D. Civil trespass with hunting dog. The commissioner shall revoke the dog training and hunting permit of a person convicted or adjudicated of civil trespass with a hunting dog in violation of section 10657-A, and that person is ineligible to obtain a dog training and hunting permit under section 11163 as follows:

A. For a first offense, for a period of one year from the date of adjudication; and

B. For a 2nd offense, for a period of 2 years from the date of adjudication.

Sec. 7. 12 MRSA §11163 is enacted to read:

§11163. Dog training and hunting permit

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not train a hunting dog on bear, fox or raccoon or hunt bear, coyote, bobcat, fox or raccoon with a dog without a valid dog training and hunting permit issued under this section. A person who is training or hunting with a dog under the supervision of and in the presence of a licensed guide who has a valid dog training and hunting permit is exempt from this subsection.

2. Issuance of permit. The commissioner or the commissioner's authorized agent shall issue a dog training and hunting permit to an applicant 16 years of age or older permitting the applicant to hunt with or train dogs. A person under 16 years of age may, without a dog training and hunting permit, hunt with or train dogs in accordance with this Part.

3. Fee. The fee for a dog training and hunting permit is \$12.

4. Violations. The following penalties apply to violations of this section.

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

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

Sec. 8. 12 MRSA §11228, sub-§1, as enacted by PL 2011, c. 432, §2, is amended to read:

1. Collar required. A person may not hunt with a dog in pursuit of bear, coyote, bobcat, fox or raccoon unless the dog has a collar with a functioning global positioning system tracker and a collar that legibly provides the name, telephone number and address of the owner of that dog. For purposes of this subsection, "global positioning system tracker" means an electronic device that allows a person hunting with a dog to track the dog's location at all times.

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 as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 9. 12 MRSA §11228, sub-§2, as enacted by PL 2011, c. 432, §2, is amended to read:

2. Limit on number of dogs. A person or persons may not use more than 6 dogs at any one time to hunt coyotes, foxes, raccoons or bobcats. A person who violates this subsection commits a Class E crime.

Sec. 10. 12 MRSA §12051, sub-§2-A is enacted to read:

2-A. Collar requirements. A person may not train a dog on bear, fox or raccoon unless the dog has a collar with a functioning global positioning system tracker and a collar that legibly provides the name, telephone number and address of the owner of that dog. For purposes of this subsection, "global positioning system tracker" means an electronic device that allows a person hunting with a dog to track the dog's location at all times.

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

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

Sec. 11. 12 MRSA §12051, sub-§2-B is enacted to read:

2-B. Permit requirement. A person may not train a dog in pursuit of a bear, fox or raccoon unless that person has a valid dog training and hunting permit in accordance with section 11163. A person who violates this subsection is subject to the penalties provided in section 11163.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Landowner Relations Fund Z140

Initiative: Provides allocation for expenditures to assist the landowner relations program.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$18,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$18,000