

### §12253. Consent to trap

**1. Trapping without written consent.** A person may not, without first obtaining the written consent of the landowner or occupant, trap any wild animal on land in any organized or incorporated place or on the cultivated or pasture area of land that is used for agricultural purposes in any unorganized place and on which land there is an occupied dwelling. The provisions of this subsection do not apply to:

- A. Beaver trapping; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- B. Trapping with drowning sets in navigable rivers and streams; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- C. Trapping with drowning sets on state-owned land and public rights-of-way. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**2. Trapping near occupied dwelling without written consent.** A person may not trap any wild animal within 200 yards of an occupied dwelling without first obtaining the written consent of the owner or occupant of the land on which the trap is to be set. The provisions of this subsection do not apply to beaver trapping or trapping with drowning sets on state-owned land or public rights-of-way.

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

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**3. Trapping near compact, built-up portion of city or village.** A person may not trap outside that person's land within 1/2 mile of the compact, built-up portion of a city or village, except:

- A. A person may trap within 1/2 mile of the built-up portion of a city or village with drowning sets; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- B. A person who has a written permit from the landowner may trap on that landowner's land with cage-type live traps within 1/2 mile of the built-up portion of a city or village. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**3-A. Penalties.** The following penalties apply to violations of subsection 3.

A. A person who violates subsection 3 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 3 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. [PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 655, Pt. B, §215 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

**4. Proof of ownership of land.** Before any prosecution is made under subsection 1 or 2, the landowner or occupant shall provide proof to the commissioner of that landowner's ownership or that occupant's occupancy of the land in question.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**5. Permission to trap on land of another.** This section does not give license or permission to set, place or tend traps on property that is owned by another person. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §215 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B215 (AMD). PL 2003, c. 655, §B422 (AFF).

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