


Report Back
Committee on Inland Fisheries and Wildlife

RESOLVE CHAPTER 77 - (LD 770) Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Issues Related to Hunting Dogs and Civil Trespass

10 January 2022

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Outline

- Review Resolve
- Introduce the Stakeholder Group
- Summarize the “Problem”
- Review Current Applicable Dog Hunting Statutes
- Consider Conflict Scenarios
- Recommended Statute Changes

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Resolve



- **RESOLVE CHAPTER 77** - (LD 770) **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Examine Issues Related to Hunting Dogs and Civil Trespass**
- Resolve:
 - IFW shall establish a stakeholder group to examine issues related to hunting dogs and civil trespass.
 - The stakeholder group is as broadly representative of interested parties including the following: representatives of affected landowners and persons who use dogs in hunting and others with interest in or expertise on the subject matter of the examination. The department may include or involve the Landowners and Sportsmen Relations Advisory Board.
 - That IFW shall report the findings and recommendations resulting from the examination under section 1 to the Joint Standing Committee on IFW by January 3, 2022.

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Participants



- Wayne Buck – Milton Township Landowner
- Corporal Dave Chabot – Landowner Relations Specialist Maine Warden Service
- Tom Doak – Executive Director Maine Woodland Owners
- Mark Dufresne - Experienced hound hunter, Registered Maine Guide
- Tim Farrar – Experienced hound hunter, Registered Maine Guide
- Kara Hodgkin – President - Maine Sporting Dogs Association
- Don Kleiner – Chair - Landowner Sportsmen’s Relations Advisory Board, RMG
- Bob Parker – Maine Prof. Guides Assoc., Bear Hunting Outfitter, Stony Brook Outfitters
- Claire Perry – Landowner – Liberty, Maine
- Debbie Runnells –Landowner – Unity, Maine; Experience Registered Maine Guide
- Tim Theriault – Legislative Representative – Inland Fisheries and Wildlife Committee
- David Trahan – Executive Director Sportsmen’s Alliance of Maine

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Overview of Problem



- This is a fairly divisive issue with a lot of real-estate between the two sides.
- Under current law, Criminal Trespass and Title 12 Civil Trespass laws apply only to people, not dogs.
- There is a long tradition and heritage of hunting with dogs in Maine. The activity is used as a component in our species management and many small businesses rely on hunting with dogs as an important part of their annual income.
- Over 90% of Maine is privately owned. Private landowners occasionally encounter hunting dogs on their land, and in some cases, the landowners do not want hunting dogs on their property.
- In most cases the hunters are engaged in training on or hunting for bear, coyote, bobcat, fox or raccoon. Dogs used to hunt these species are typically more similar to hound type breeds which are bred to chase larger game animals longer distances and typically do not stay in close proximity to the handler.
- Not all landowners want the bear, coyote, bobcat, fox and raccoon on their land hunted and feel they should be able to restrict dogs from entering and chasing these species.


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Overview of Problem



- Some of these chases go on for miles and the hunters are unable to predict where the game animal will end up. They may have no intention of hunting near a particular piece of property, but the chase end up there due to the route taken by the game animal.
- When a game warden responds to a report of a hunting dog on posted land there is no consequence for the hunter if he/she themselves did not enter the land and often law enforcement has no means to address the complaint of the landowner.
- Additionally, if a hunter has been advised or requested by a landowner to keep their hunting dog off the landowner's property, and the hunting dog continues to enter the property, there is still no consequence for the hunter because trespass laws do not apply to hunting dogs.
- The problem has been exacerbated in the last 25 years as the popularity of running coyotes with dogs has increased in and around traditionally rural residential areas which are now experiencing urban sprawl, thus resulting in increased encounters between dog hunters and landowners.

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Important Notations

- This report back is presented as “two sided” referred to as landowners and hunters. It’s important to note that is a generalization for ease of reference. There are many landowners who do not feel any change is necessary in the current dog hunting statutes and likewise there are numerous hunters and guides who agree additional regulation is warranted.
- The stakeholder group agreed the majority of people who are hunting with dogs are law abiding, responsible hunters who try to avoid conflict with private landowners.
- The group recognized that many of the complaints from landowners regarding people hunting with dogs involved repeat offenders including some hunters who are confrontational and belligerent toward landowners.
- Overall number of complaints / incidents is low compared to amount of dog hunts.
- When I refer to hunting it includes training and hunting because the activity involving the dog is basically the same and generates similar complaints.

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Current Statutes Regarding Dog Training and Hunting

- A person may not hunt with a dog in pursuit of bear, coyote, or bobcat unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog.
- A person or persons may not use more than 6 dogs at any one time to hunt bear, coyotes, or bobcats.
- Landowner permission required to put out baits. Labeling of baits required.
- Defined seasons for hunting with dogs (bear, bobcat, fox, raccoon)
- Defined seasons for training dogs (bear, fox, raccoon)
- Restrictions on non-residents hunting bears with dogs

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2 Primary Scenarios



1. A hunter releases a dog directly onto posted land or onto land which the hunter knows the dog is not wanted.
 - This scenario is an intentional act against the landowner's wishes and the stakeholder group was in agreement this scenario needs to have a resolution.

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2 Primary Scenarios



2. The second scenario occurs when a hunting dog is released onto the track of an animal in a location where the hunter and dog are otherwise welcomed by the landowner. The dog takes to chasing a game animal as it is trained to do, and the animal runs onto property where the landowner does not want hunting dogs.
 - In some cases, the property may be in close proximity to where the dog was released, for example, within a mile or so. Depending on a number of factors such as weather, terrain, historical knowledge of past hunts, the size and proximity of the property, there may be some predictability of whether the chase will end up on the prohibited property.
 - In other cases, the hunt may continue for a long distance and the game animal could lead the dog onto a property many miles away and several hours after the hunt began. In these cases, there is limited predictability as to where a particular game animal will run once the chase begins.
- The quandary is that a landowner who does not want hunting dogs on their land, does not often care how far away a chase began. They merely do not want the dog on their property. Likewise, the dog hunters/ trainers do not want to end up on a property where they are not welcome, but the unpredictability of a long chase sometimes results in dogs running on property where they are not wanted.

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2 Primary Scenarios



- The second scenario is more challenging to resolve
- Stakeholders agree a resolution to this scenario is preferred but it should:
 - Target repeat offenders
 - Be reasonable and guided by common sense


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Potential Statutory Changes for Scenario 1



- A civil violation to release a hunting dog onto land which the landowner or landowner's agent has personally communicated to the dog owner or dog handler that hunting dogs are prohibited on the property;
- A civil violation to release a hunting dog onto posted property unless the dog owner or handler of the hunting dog has permission from the landowner or landowner's agent; and


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Potential Statutory Changes for Scenario 2

- A civil violation to release a hunting dog so that it enters property upon which, in the previous 365 days, a dog had been previously found, and the dog owner, a handler of the hunting dog or a person participating in the hunt has been personally communicated by law enforcement that hunting dogs are not permitted on the property.
 1. This language is a “compromise.” Not all dog handlers agreed they should be held accountable when they have little control over where their dogs will end up or what the feelings are of various landowners across the landscape.
 2. Likewise, not all landowners feel the hunters should be afforded a warning for their first offense and that the warning should be indefinite and not go away after 365 days.

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Additional Statutory Recommendations

- Consider requiring a permit for any person who wishes to use a dog to train on or hunt coyote, bear, fox, bobcat or raccoon. The permit may be revoked, suspended or denied by the Commissioner for a conviction of hunting dog trespass or other dog hunting related violations. Appeal process applicable as per Administrative Procedures Act.
 - Persons who possess a valid junior hunting license are exempt.
 - Persons who have employed the services of a RMG and are hunting in the presence of that guide are exempt.
 - The fee for the permit will cover administrative costs and any leftover revenue goes to the DIFW Landowner Relations Program.

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Additional Statutory Recommendations



- Require a functioning Global Positioning System (GPS) tracking collar be affixed to any dog which is engaged in training on or hunting bear, coyote, bobcat, fox, or raccoon.
 - Help hunters to always be aware of their dog’s location, allowing them to anticipate / head off potential conflict or hazards.

- Phase in an online informational course required for anyone wishing to purchase a dog training and hunting permit.

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Number of Warden Service Calls For Service Regarding Trespass by Hunting Dog



	2017	2018	2019	2020	2021	5 year TOTAL
BEAR	2	2	3	7	19	33
COYOTE	1	2	2	7	6	18
DUCK	1	0	0	0	0	1
HARE	0	0	0	1	0	1
BOBCAT	0	0	0	0	1	1
OTHER /UNKNOWN	0	1	1	3	1	6
TOTAL	4	5	6	18	27	60

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Our Mission

Maine Department of Inland Fisheries & Wildlife protects and manages Maine’s fish and wildlife and their habitats, promotes Maine’s outdoor heritage, and safely connects people with nature through responsible recreation, sport, and science.



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Overview

Maine Department of Inland Fisheries of Wildlife (MDIFW) preserves, protects, and enhances the inland fisheries and wildlife resources of the state. Established in 1880 to protect big game populations, MDIFW has since evolved in scope to include protection and management of fish, non-game wildlife, and habitats, as well as restoration of endangered species like the bald eagle. In addition to its conservation duties, MDIFW is also responsible for enabling and promoting the safe enjoyment of Maine’s outdoors — from whitewater rafting to boating, snowmobiling, hunting, fishing, and wildlife observation. The agency’s constituents include the fish, wildlife, and people who call Maine home, as well as the visiting outdoor enthusiasts and ecotourists who call Maine Vacationland and contribute hundreds of millions of dollars each year to the state’s economy.



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