

Department of Inland Fisheries & Wildlife

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Exploring the Outdoors on Private Land



post signs
100' a part
or Paint on trees

Roughly 94% of Maine's forest land is privately owned, and more than half of that land area is open to the public. In total, landowners voluntarily open up more than 10 million acres of working farms and forests.

This access is an incredible gift, and in order to preserve it, everyone who ventures outdoors needs to understand the contribution that landowners make.

Most private landowners are happy to allow outdoor recreation, including hunting and fishing, on their land, as long as their property is treated with respect.

But it's important to remember that the private land you use for recreation belongs to someone else, just as surely as your car or home belongs to you, and accessing it is a privilege, not a right.

Accessing private land: there's the law, and then there's the unwritten rule.

The law - Unlike most other states, Maine operates under an implied permission structure, meaning that if land is not posted, it is legal to use the land.

The unwritten rule - *Always* ask permission. Hunting, fishing, or otherwise using private land without the owner's permission is a careless move that puts everyone's future access at risk.

When venturing into the Maine woods, follow the unwritten rule.

7 Ways to be a good land user

Landowners who permit you to use their land for outdoor recreational activities are not only doing you a favor, they are placing their trust in you. Here are seven ways you can prove their trust is not misplaced:

- **Always ask for permission**, whether or not there are signs on the property requesting that you do so, and regardless of who owns it (a private individual or a business). If you have identified a land area you'd like to access but you're not sure who owns it, you should be able to find that information at the municipality's Town Hall. Then, look up the person or business's contact information, and give them a call. With a little resourcefulness and a Google search bar, you shouldn't have any problem navigating this process. When mapping out where you'd like to go, keep in mind that railroad and utility corridors are not public rights of way and still require landowner permission. Also, don't be afraid to reach out to landowners who have posted their land. You may be pleasantly surprised at how many of them will allow access to someone who has the courtesy to ask first.
- **Learn what matters most to the landowner** and abide by all special requests they make, including where you can or cannot drive or park a vehicle, and which specific activities are allowed. Some landowners may require permits for certain activities. If so, respect that request. Look at any such requests from the landowner's point of view, and act with their best interests in mind whenever you use the land. Some landowners dread various seasons of the year, believing the associated activities limit their use of their own property. It's your job to make sure whoever owns the land you're using never feels that way. If we as a recreational community can't respect landowners' wishes, we can only expect more private land to be closed to public use.
- **Provide detailed information.** If requested, give the landowner your name, address, phone number and vehicle description, and consider using pre-printed [Landowner/Land user Courtesy Cards \(PDF\)](http://../docs/landowner_landuser_courtesycard.pdf) (http://../docs/landowner_landuser_courtesycard.pdf). Good, thorough communication is a great way to build mutual respect.
- **Know your boundaries.** Learn the geographic property boundaries of the land you have permission to use and stay within them. There is no excuse for trespassing — it's a crime enforceable by all state, county, and municipal law enforcement officers, and if convicted, you may lose any license issued by the Maine Department of Inland Fisheries and Wildlife.
- **Keep it clean.** Remember that you are a guest. Always leave the land as you found it, if not better. If you see trash that someone else left, pick it up.
- **Keep it legal.** Always obey the law, be safe and ethical, and report any land abuse that you witness. Land abuse is a very serious problem in Maine, and each year, access to private property is lost because of it. Put yourself in the landowner's shoes and help ensure that violators are prosecuted. If you see a violation occurring, contact Operation Game Thief at 1(800) ALERT-US [1(800) 253-7887].
- **Say thank you.** Thank the landowner for the opportunity to use their property for recreation. They'll love hearing that you enjoyed it, and that you recognize and appreciate their generosity.

8 Ways to lose the privilege



In addition to neighbor disputes, taxes, and fear of responsibility or liability if someone were to get hurt, landowners who post or close their property tend to do so for similar reasons. If you participate in any of the

following, or witness any of the following and don't report it, you're putting everyone's future access at risk:

1. **Trespassing** (on foot, by motor vehicle, or by recreational vehicle)
2. **Littering/illegal dumping**
3. **Land abuse**, including damage from vehicles or cutting of trees
4. **Off-trail riding**
5. **Making excessive noise**
6. **Illegal hunting**, including driving deer, illegal stands, baiting, poaching, or shooting too close to a dwelling
7. **Not appreciating the landowner's generosity**/ making them feel like they've been taken advantage of
8. **Letting the justice system fail** (including failure to report violations as a bystander/witness)

Know the Laws

When using someone else's land, it's important that you know the laws — both so that you don't inadvertently break one, and so that you can recognize and report violations when you see them. This brief summary has been edited for readability, and is not all-inclusive. For the full text version, refer to Titles 12, 14 & 17A*.

Property Damage

Anyone who enters private property without permission and causes damage is liable to the owner in a civil or criminal action which could result in fines, penalties, and jail time. Examples of damage include:

1. **Tree damage** - Damaging or destroying a tree on another person's land by inserting any metallic or ceramic object into it.
2. **Unauthorized tree stands** - Erecting or using a portable or permanent tree ladder or stand on another person's land without permission from the landowner or the landowner's representative.
3. **Discharging your weapon too close to a building** - Discharging a firearm or crossbow within 100 yards of a residential dwelling or building used to store livestock, machines, or harvested crops without the permission of the owner or their representative.
4. **Crop damage** - Trampling or destroying any crop.
5. **Littering** - Throwing, dropping, depositing, discarding, dumping or otherwise disposing of litter, in any manner or amount.
6. **Structural damage** - Damaging or throwing down any fence, bar or gate, leaving a gate open, breaking glass, damaging any road, drainage ditch, culvert, bridge, sign, or paint marking, or doing other damage to any structure.
7. **Forest product damage or theft** - Cutting down, destroying, damaging, or carrying away any forest product, including logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings biomass, fuel wood, Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, evergreen boughs, or seed products, as well as any ornamental or fruit tree, agricultural product, stone, gravel, ore, or goods or property of any kind.
8. **Unauthorized harvest** - Including harvesting Christmas tree and evergreen boughs, cutting firewood, and motorized gold prospecting without a landowner's permission.

Liability and Damages Recoverable

Whether or not the property damage was intentional, the offender still may be liable to the owner for 2X the owner's actual damages, plus additional costs that could include attorney's fees, court fees, and the value of the owner's time spent on the enforcement proceedings.

The owner's damages may be measured either by the replacement value or cost to repair the damaged property. Litter disposal damages include the direct cost of proper disposal, including obtaining permits, plus the cost of any site remediation undertaken because of the litter.

Hunting & Trapping on Private Property

The MDIFW Landowner Relations Program is actively working to enhance relationships between land owners and land users.

With approximately 94% of the land in Maine privately owned, everyone **MUST** respect landowners and their rights. Landowner wishes have to be followed by all outdoor recreation participants to help ensure access and use of private property in the years to come.

Summarized below are several laws enacted by the Maine Legislature addressing landowners' concerns. For more details, consult the Maine Revised Statutes cited in parenthesis.

Landowner Liability (14 MRSA §159-A) Limited Duty

An owner, lessee, manager, holder of an easement or occupant of premises shall owe no duty of care to keep the premises

safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes. This subsection applies regardless of whether permission has been given to pursue recreational or harvesting activities on the premises.

Exceptions to Limited Duty

1. For a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; and
2. When financial consideration is paid for the exclusive right to make use of the property for recreational activities.

Costs and Fees

The court shall award any direct legal costs, including reasonable attorneys' fees, to an owner, lessee, manager, holder of an easement or occupant who is found not to be liable for injury to a person or property pursuant to this section.

Posting of Land and Criminal Trespass (17-A MRSA, §402)

Property is posted if it is marked with signs or paint in one of the following ways and in a manner that is reasonably likely to come to the attention of an intruder:

1. Signs must indicate that access is prohibited, that access is prohibited without permission of the landowner or landowner's agent, or that access for a particular activity is prohibited.
2. One vertical "OSHA Safety Purple" stripe at least one inch in width and at least 8 inches in length means "Access by Permission Only" when it is placed on trees, posts or stones between three and five feet off the ground. These signs or paint stripes must mark the property at distances no more than 100 feet apart at locations that are readily visible to any person approaching the property, and at all vehicular access entries from a public road.

In addition, landowners may also, either verbally or in writing, personally communicate to others that access is prohibited. Remember, it is unlawful to remove, mutilate, deface or destroy a sign or paint mark that is placed in order to prohibit or restrict access; and it is unlawful to post the land of another without permission of the landowner.

signs
100' apart

QUESTIONS? CALL 207 287-8000

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Other Provisions of Posting

1. Signs or paint markings must be at all vehicular access entrances from a public way.
2. It is unlawful to post the land of another or to remove, destroy, mutilate or deface any signs or paint marks.

Trespass by Motor Vehicle (17 MRSA, §33853-C)

A person may not park a motor vehicle or allow a motor vehicle under that person's control to remain parked:

1. In a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of that private drive or way; or
2. On a public highway in a manner that blocks the entrance to a private drive, gate or barway.

Trespass Damages (14 MRSA, §7551-B)

Any person who enters another person's land without permission and causes damage to that person's property is liable to the owner in a civil action. Violations of this law will have the following results:

1. If the damage is intentional, the person doing the damage is liable to the owner for two times the actual damage, plus additional costs including attorneys' fees.
2. If the damage is unintentional, the person doing the damage is liable to the owner for the amount of the actual damage plus additional including attorneys' fees.
3. A person doing damage to property of another may also be charged criminally for doing the damage.

Unlawful Cutting of Trees (14 MRSA, §7552, and 17 MRSA, §2510)

It is unlawful for any person to intentionally, knowingly, recklessly or negligently cut down or fell any tree without the consent of the owner of the property on which the tree stands.

Abuse of Another Person's Property While Hunting (12 MRSA §10652)

It is unlawful to tear down a fence or wall, trample or destroy any crop, leave open and bars or gates, destroy, tear down, deface or otherwise damage a property posting sign, or insert objects into trees on another person's land without permission (see page 16 for observation stand information).

Littering

It is unlawful to dispose of litter anywhere in this state except in areas or receptacles designed for that purpose. As litter relates to the proper disposal of legally taken game, a person may not drop, deposit, discard, dump or otherwise dispose of a carcass, waste parts or remains of a wild animal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait.

Civil Trespass (12 MRSA, §10657) Prohibition

While engaging in any activity regulated by the Department of Inland Fisheries & Wildlife, a person, knowing that they are not licensed or privileged to do so, may not:

1. Enter, or cause a projectile to enter, any place from which that person may lawfully be excluded and that is posted in accordance with Title 17-A, section 402, subsection 4, in a manner reasonably likely to come to the attention of intruders, or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or
2. Enter, remain in, or cause a projectile to enter or remain in any place in defiance of a lawful order not to enter or an order to vacate that was personally communicated to that person by the owner of the place or another authorized person.

**Recreational Access and Landowner Relations Program
Landowner ~ Land User Courtesy Card**

Landowner's Copy

I would like permission to use your property to:

___ ATV ___ Fish ___ Hunt ___ Snowmobile ___ Trap ___ Other

Location of property (brief description) _____

Landowner's Name _____

Address _____

City _____ Phone _____

I give permission to:

Land User's Name _____

Address _____

City _____ State _____

Phone _____ Vehicle License# _____

Machine Reg# _____ Make/Model _____

Permission granted from _____ to _____ (date)

Landowners Signature _____

Land User's Copy

I have permission to use your property to:

___ ATV ___ Fish ___ Hunt ___ Snowmobile ___ Trap ___ Other

Location of property (brief description) _____

Landowner's Name _____

Address _____

City _____ Phone _____

I give permission to:

Land User's Name _____

Address _____

City _____ State _____

Phone _____ Vehicle License# _____

Machine Reg# _____ Make/Model _____

Permission granted from _____ to _____ (date)

Landowners Signature _____