



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1074

S.P. 377

In Senate, March 24, 2015

An Act To Create a Cause of Action for Damage to Public Easements

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative HARLOW of Portland and
Senators: BURNS of Washington, DILL of Penobscot, LIBBY of Androscoggin, MIRAMANT of Knox, SAVIELLO of Franklin, Representative: GOODE of Bangor.

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

2 **Sec. 1. 17 MRSA §3853-D, sub-§1**, as amended by PL 1995, c. 539, §1, is
3 further amended to read:

4 **1. Damage or destruction to farmland, forest land or public easement.** A person
5 who, as a result of operating a motor vehicle on farmland ~~or~~ forest land or a public
6 easement in fact, damages or destroys crops, forest products, personal property or roads
7 on that farmland ~~or~~ forest land or public easement, commits a Class E crime.

8 **Sec. 2. 17 MRSA §3853-D, sub-§2, ¶C** is enacted to read:

9 C. "Public easement" means an easement held for purposes of public access to land
10 or water retained as the result of abandonment or discontinuance of a public way.

11 **Sec. 3. 17 MRSA §3853-D, sub-§3, ¶D**, as amended by PL 1995, c. 539, §1, is
12 further amended to read:

13 D. A law enforcement officer who, in an emergency and in the scope of that law
14 enforcement officer's employment, operates a motor vehicle on farmland or forest
15 land owned by another or on a public easement.

16 **SUMMARY**

17 This bill provides that a person who, as a result of operating a motor vehicle on a
18 public easement in fact, damages or destroys crops, forest products, personal property or
19 roads on that public easement commits a Class E crime.