

### §3853-D. Operating a motor vehicle on land of another

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

[PL 2015, c. 258, §1 (AMD).]

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmland" means land used for the production of fruits, vegetables, grains, hay or herbs that consists of 5 or more contiguous acres. The term "farmland" does not include land used for the production of wood products. [PL 1989, c. 289 (NEW).]

A-1. "Forest land" means land used for the production of forest products. [PL 1995, c. 539, §1 (NEW).]

A-2. "Forest products" means any woody stemmed plant as well as any products that have been harvested but not yet transported from the harvesting site, including logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, evergreen boughs and cones for seed production. [PL 1995, c. 539, §1 (NEW).]

A-3. "Emergency responder" means a person providing firefighting, rescue or emergency medical services. [PL 2015, c. 258, §2 (NEW).]

B. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including all-terrain vehicles as defined in Title 12, section 13001, but not including snowmobiles. [PL 2003, c. 414, Pt. B, §34 (AMD); PL 2003, c. 614, §9 (AFF).]

C. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2. [PL 2015, c. 258, §3 (NEW).]

[PL 2015, c. 258, §§2, 3 (AMD).]

**3. Application.** This section does not apply to:

A. A landowner operating a motor vehicle on farmland or forest land owned by that landowner; [PL 1995, c. 539, §1 (AMD).]

B. A person given permission by a landowner to operate a motor vehicle on farmland or forest land owned by that landowner; [PL 1995, c. 539, §1 (AMD).]

C. An agent or employee of a landowner who operates a motor vehicle on farmland or forest land owned by that landowner in the scope of that agent's or employee's agency or employment; [PL 2015, c. 258, §4 (AMD).]

D. A law enforcement officer who, in an emergency and in the scope of that law enforcement officer's employment, operates a motor vehicle on farmland or forest land owned by another or on a public easement; or [PL 2015, c. 258, §4 (AMD).]

E. An emergency responder who, in an emergency and in performing the duties of the emergency responder, operates a motor vehicle on farmland or forest land owned by another or on a public easement. [PL 2015, c. 258, §5 (NEW).]

[PL 2015, c. 258, §§4, 5 (AMD).]

#### SECTION HISTORY

PL 1989, c. 289 (NEW). PL 1995, c. 539, §1 (AMD). PL 2003, c. 414, §B34 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2015, c. 258, §§1-5 (AMD).

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