

## CHAPTER 127

### TRESPASS

#### **§3851. Lands appurtenant to state institutions**

**(REPEALED)**

##### SECTION HISTORY

PL 1965, c. 119 (AMD). PL 1967, c. 195, §5 (AMD). PL 1967, c. 235 (AMD). PL 1967, c. 391, §3 (AMD). PL 1967, c. 544, §43 (RPR). PL 1969, c. 504, §25 (AMD). PL 1971, c. 170 (RPR). PL 1971, c. 544, §55 (AMD). PL 1975, c. 499, §22 (RP).

#### **§3852. Improved lands and fish ponds**

**(REPEALED)**

##### SECTION HISTORY

PL 1967, c. 86, §2 (AMD). PL 1975, c. 499, §22 (RP).

#### **§3853. Commercial or residential property**

**(REPEALED)**

##### SECTION HISTORY

PL 1975, c. 499, §22 (RP).

#### **§3853-A. Public beaches and shores**

The municipal officers in any municipality wherein a public beach, shore or bank exists may grant a permit to persons to allow horses, cattle, sheep, swine, motor vehicles or motor driven cycles to enter upon such beach, shore or bank at the times designated on such permit. Anyone willfully permitting cattle, horses, sheep, swine, motor vehicles or motor driven cycles to enter upon such public beach, shore or bank without such permit shall be guilty of trespass and shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both. [PL 1965, c. 355 (NEW).]

##### SECTION HISTORY

PL 1965, c. 355 (NEW).

#### **§3853-B. Trespass by animals**

**(REPEALED)**

##### SECTION HISTORY

PL 1977, c. 671, §§18-A (NEW). PL 1987, c. 383, §6 (RP).

#### **§3853-C. Trespass by motor vehicle; civil violation**

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

A. 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 [PL 2011, c. 561, §2 (NEW).]

B. On a public highway in a manner that blocks the entrance to a private driveway, gate or barway. [PL 2011, c. 561, §2 (NEW).]

[PL 2011, c. 561, §2 (NEW).]

**2. Penalty.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 must be adjudged.

[PL 2011, c. 561, §2 (NEW).]

**3. Registered owner's liability for vehicle.** There is a rebuttable presumption that a registered owner of a vehicle involved in a violation of subsection 1 has that vehicle under that person's control.

[PL 2011, c. 561, §2 (NEW).]

#### SECTION HISTORY

PL 1981, c. 251 (NEW). PL 2011, c. 561, §2 (RPR).

#### §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).

**§3854. Entry of and refusal to vacate certain buildings**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 244 (RPR). PL 1973, c. 494, §§1,2 (AMD). PL 1975, c. 499, §22 (RP).

**§3855. Entering or passing over forbidden enclosed or cultivated land; arrest of offenders**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 32 (AMD). PL 1975, c. 499, §22 (RP).

**§3856. Trespass on timber; removal of produce; removal of goods from wharf or landing place**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §22 (RP).

**§3857. Limitations and jurisdiction**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §22 (RP).

**§3858. Tampering with or destroying colonies of wild bees**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §22 (RP).

**§3859. Trespass on land devoted to wildlife preservation**

Whoever willfully and knowingly hunts upon unimproved land devoted to the preservation of wildlife and owned by a corporation organized under Title 13, chapter 81, including that portion of any public way which crosses or abuts said land, provided that all boundaries of said land are posted with signs at least every 50 feet indicating that said land is a wildlife preserve, shall be punished by a fine of not more than \$50. [PL 1967, c. 202 (RPR).]

SECTION HISTORY

PL 1965, c. 64 (NEW). PL 1967, c. 202 (RPR).

**§3860. Great pond; access or egress**

No person on foot shall be denied access or egress over unimproved land to a great pond except that this provision shall not apply to access or egress over the land of a water company or a water district when the water from the great pond is utilized as a source for public water. [PL 1973, c. 530, §2 (NEW).]

The Attorney General shall, upon complaint of a person being denied said access or egress, if in his judgment the public interest so requires, prosecute criminally or civilly any person who denies such right of access or egress. [PL 1973, c. 530, §2 (NEW).]

Any person may maintain an action in the Superior Court having jurisdiction where the alleged denial of access or egress occurred or is likely to occur for declaratory and equitable relief and actual and punitive damages against any person, partnership, corporation or other legal entity for any violations of this section. [PL 1973, c. 530, §2 (NEW).]

Whoever violates this section shall be punished by a fine of not more than \$100 and by imprisonment for not more than 90 days. [PL 1973, c. 530, §2 (NEW).]

#### SECTION HISTORY

PL 1973, c. 530, §2 (NEW).

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