

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 693

S. P. 231

In Senate, February 10, 1971

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Criminal Trespass in Buildings and on Premises.

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

R. S., T. 17, § 3854, repealed and replaced. Section 3854 of Title 17 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3854. Entry of and refusal to vacate certain buildings

1. **Entry of certain buildings.** Whoever willfully enters any dwelling house, camp, cottage or locked building, without the permission of the owner or occupant thereof, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

2. **Refusal to vacate.** Whoever enters or remains unlawfully in or upon premises when he is not licensed or privileged to do so shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both. "Premises" includes the term "building" as defined in this subsection in any real property. "Building," in addition to its ordinary meaning includes any structure, vehicle or watercraft used for overnight lodging of persons or used by persons for carrying on business therein. Where a building consists of 2 or more units separately secured or occupied each unit shall be deemed both a separate building in itself and a part of the main building. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain on that part of the building which is not open to the public.

STATEMENT OF FACT

The purpose of this bill is to deal with "sit-in" situations where persons refuse to leave buildings when requested to do so.