

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1478

H. P. 1145

House of Representatives, March 15, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Kelley of Southport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Trespass in a Vehicle on Posted Land.

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

R. S., T. 17, §§ 3852-A to 3852-C, additional. Title 17 of the Revised Statutes is amended by adding 3 new sections, 3852-A to 3852-C, to read as follows:

§ 3852-A. Trespass by vehicle

Whoever enters in and upon any posted land of another while operating or riding in any vehicle, without the written permission of the owner or the owner's agent, shall be guilty of trespass and punished by a fine of not less than \$25 nor more than \$500, which fine shall not be suspended.

1. Vehicle; defined. "Vehicle" means all kinds of conveyances which may be used for the carriage of persons or property including, but not limited to, automobiles, trucks, tractors, snowmobiles, all terrain vehicles, sleds, toboggans or boats.

§ 3852-B. Posting

Legal posting of land shall be by means of placing a sign containing the words "No Trespassing" on a tree or post at or near each corner of a piece of land which abuts a public way. The signs shall also disclose the name of the owner of the land. If the piece of land has a public or private way, or a river running through the land, such a sign shall be placed on a tree or post on each side of each end of the way or river where it enters and exits from the piece of land. The sign shall face outward and along the perimeter of the land.

Additional signs containing the words "No Trespassing" shall be placed on a tree or post not more than 300 feet apart on all sides of the piece of land which the owner desires to post. The sign shall face outward and along the perimeter of the land. In lieu of such signs, there may be painted upon a tree or post, at such intervals, a stripe which shall be either yellow, orange or red, not less than approximately 3 inches wide, bisected by a vertical stripe at least approximately $1\frac{1}{2}$ inches wide. The painted stripe shall encircle the tree or post and shall face outward and along the perimeter of the land.

All signs or painted stripes shall be not less than approximately 5 feet nor more than approximately 7 feet above the ground, except that signs with the owner's name thereon may be approximately 5 feet nor more than approximately 12 feet above the ground. Posting shall be legal if there is evidence of legal posting, even though some signs are missing.

§ 3852-C. Penalty

Any person who, not being the owner of a piece of land, or the owner's agent, removes, destroys or defaces a posting sign or painted stripe shall be punished by a fine of not less than \$50 nor more than \$500, which fine shall not be suspended.

STATEMENT OF FACT

This bill seeks to prevent trespass upon posted land by any vehicle. It punishes the operator and passenger. The fine may not be suspended.

It also defines what is legal posting of land and punishes one who removes, destroys or defaces posting signs.