

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 259

S.P. 139

In Senate, February 21, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Prohibit Motor Vehicles on Beaches.



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

3 Sec. 1. 17 MRSA §3853-A, as enacted by PL 1965, c. 355, is
5 repealed and the following enacted in its place:

7 §3853-A. Public beaches and shores

9 1. Horses, cattle, sheep and swine. The municipal officers
11 in any municipality where a public beach, shore or bank exists
13 may grant a permit to persons to allow horses, cattle, sheep or
15 swine to enter upon that beach, shore or bank at the times
17 designated on the permit. A person who willfully permits cattle,
horses, sheep or swine to enter upon the public beach, shore or
bank without a permit is guilty of criminal trespass and,
notwithstanding Title 17-A, sections 1252 and 1301, shall be
punished by a fine of not more than \$20 or by imprisonment for
not more than 30 days, or by both.

19 2. Motor vehicles and motor driven cycles. No motor
21 vehicle or motor driven cycle, as defined in Title 29, section
23 1, may enter upon any public beach, shore or bank. Any person
25 who causes any motor vehicle or motor driven cycle to enter upon
a public beach, shore or bank is guilty of criminal trespass as
set out in Title 17-A, section 402.

27 Sec. 2. 17-A MRSA §402, as amended by PL 1981, c. 317, §11,
29 is further amended to read:

31 §402. Criminal trespass

33 1. A person is guilty of criminal trespass if, knowing that
he that person is not licensed or privileged to do so that
person:

35 A. ~~He-enters~~ Enters any dwelling place;

37 B. ~~He-enters~~ Enters any structure that is locked or barred;

39 C. ~~He-enters~~ Enters any place from which he that person may
41 lawfully be excluded and which is posted in a manner
43 prescribed by law or in a manner reasonably likely to come
to the attention of intruders or which is fenced or
otherwise enclosed in a manner designed to exclude intruders;

45 D. ~~He-remains~~ Remains in any place in defiance of a lawful
47 order to leave, which was personally communicated to him
that person by the owner or other authorized person; or

49 E. ~~He-enters~~ Enters any place in defiance of a lawful order
51 not to enter, which was personally communicated to him that
person by the owner or other authorized person; or

1 F. Causes a motor vehicle or motor driven cycle to enter
3 upon a public beach, shore or bank in violation of Title 17,
 section 3853-A.

5 2. Violation of subsection 1, paragraph A, is a Class D
7 crime. Violation of subsection 1, paragraph B, C, D-~~ex~~, E, or F
 is a Class E crime.

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STATEMENT OF FACT

15 At present, motor vehicles and motor driven cycles may enter
17 a public beach upon paying \$20 for a municipal permit.

19 This bill prohibits motor vehicles and motor driven cycles
 from entering a public beach. Violation would be a Class E crime.