

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 274, L.D. 386, Bill, "An Act Concerning the Operation of Motor Vehicles on Private Lands"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

17 MRSA §3853-D is enacted to read:

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

1. Damage or destruction to farmland. A person who, as a result of operating a motor vehicle on farmland, damages or destroys crops or roads on that farmland, commits a Class E crime.

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.

B. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including all-terrain vehicles as defined in Title 12, section 7851, but not including snowmobiles.

3. Application. This section does not apply to:

A. A landowner operating a motor vehicle on farmland owned by that landowner;

B. A person given permission by a landowner to operate a motor vehicle on farmland owned by that landowner;

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C. An agent or employee of a landowner who operates a motor vehicle on farmland owned by that landowner in the scope of that agent's or employee's agency or employment; or

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 owned by another.

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**FISCAL NOTE**

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This bill could result in additional cases filed throughout the state court system. However, the Judicial Department would absorb the additional costs utilizing existing resources.'

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**STATEMENT OF FACT**

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The amendment makes operation of a motor vehicle on farmland that causes damage or destruction to crops or roads on that farmland a Class E crime. The law does not apply to a landowner, or a landowner's employee or agent acting within the scope of their employment or agency, a person given permission to operate a motor vehicle by the landowner or a law enforcement officer responding to an emergency within the scope of that officer's employment. The amendment also adds a fiscal note.

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Reported by the Committee on Legal Affairs  
Reproduced and distributed under the direction of the Clerk of the House  
5/26/89

(Filing No. H-318)