

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 738

H.P. 531

House of Representatives, January 26, 1999

An Act to Revise Maine's Trespass Laws.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator CAREY of Kennebec and
Representatives: AHEARNE of Madawaska, BRYANT of Dixfield, CLARK of Millinocket,
MARTIN of Eagle Lake, STANLEY of Medway, TRUE of Fryeburg, WILLIAMS of Orono,
Senator: MICHAUD of Penobscot.

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

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4 **Sec. 1. 17-A MRSA §402, sub-§4**, as enacted by PL 1995, c. 529,
§2, is amended to read:

6 **4.** For the purposes of subsection 1, paragraph C, property
is posted if it is marked with signs ~~or paint~~ in compliance with
8 this subsection. Any posted sign ~~or paint marking~~ actually seen
by an intruder is presumed to be posted in a manner reasonably
10 likely to come to the attention of intruders.

12 **A.** Signs must indicate that access is prohibited, that
access is prohibited without permission of the landowner or
14 the landowner's agent, or that access for a particular
purpose is prohibited.

16 ~~**B.** Paint markings mean that access is prohibited without
18 permission of the landowner or the landowner's agent. Paint
20 markings must consist of 2 painted horizontal lines per
tree, post or other object.~~

22 ~~(1) Each line must be a minimum of 2 inches high and
24 at least as long as the width of the object, but need
not be more than 8 inches long.~~

26 ~~(2) Lines must be painted on the side of the tree,
28 post or other object that is visible to a person
approaching the restricted property and must be painted
within an area 3 feet to 6 feet above ground level.~~

30 ~~(3) The paint must be silver or aluminum colored.~~

32 **C.** Signs ~~or paint~~ must mark the property at intervals no
34 greater than 100 feet and at all vehicular access entries
from a public road.

36 **D.** Signs ~~or paint markings~~ are required only on the portion
38 of the property where access is prohibited or limited.
Signs ~~or paint~~ posted in accordance with this section have
40 no effect on boundaries of property and do not constitute
claims of possession or adverse use in accordance with state
42 law.

44 **E.** A person commits criminal mischief and is subject to
46 prosecution under section 806 if that person, without
permission of the owner or owner's agent:

48 (1) Knowingly posts the property of another with a
50 sign ~~or paint mark~~ indicating that access is
prohibited, that access is prohibited without
52 permission or that access for a particular purpose is
prohibited; or

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(2) Removes, mutilates, defaces or destroys a sign or
paint-mark placed for purposes of this section.

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Nothing in this subsection limits any manner of posting
reasonably likely to come to the attention of intruders.

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SUMMARY

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This bill removes the provisions of law that allow posting
land by painting silver stripes on trees or other objects.

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