

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1338

H.P. 939

House of Representatives, March 31, 2009

An Act To Deter Graffiti

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRIGGS of Mexico.
Cosponsored by Senator BRYANT of Oxford and
Representative: PETERSON of Rumford, Senator: JACKSON of Aroostook.

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

2 **Sec. 1. 14 MRSA §7562** is enacted to read:

3 **§7562. Graffiti**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Graffiti" means an inscription, word, figure, design, painting, writing, drawing or
7 carving that is marked, etched, scratched, drawn, painted or otherwise applied to a
8 property without the prior authorization of the owner of the property regardless of the
9 content of the graffiti or nature of the material used.

10 B. "Graffiti implement" means any device or material capable of scarring or leaving
11 a visible mark on any natural or artificial surface, including, but not limited to, an
12 aerosol paint container, broad-tipped marker, gun label, chalk, paint stick, graffiti
13 stick, etching equipment or brush.

14 C. "Property" means any public or private property, including, but not limited to, any
15 portion of any premises, structure, house, building, fence or vehicle.

16 **2. Applying graffiti.** A person may not apply, solicit or command another person to
17 apply or aid or abet or agree to aid or abet a person in planning to apply or applying
18 graffiti.

19 **3. Possession of graffiti implements.** A graffiti implement may not be possessed
20 by:

21 A. A minor on or within 50 feet of school property except for possession of a graffiti
22 implement required by a school class or sanctioned activity. A minor bears the
23 burden of proof to demonstrate that the possession of the graffiti implement on or
24 within 50 feet of school property was required by a school class or sanctioned
25 activity;

26 B. A person on or close enough to apply graffiti to private property without the
27 permission of the owner of the property;

28 C. A person in a public facility, park, playground, swimming pool, recreation
29 facility, building, structure, premises or vehicle without authorization; or

30 D. A person within 50 feet of an underpass, bridge abutment or similar infrastructure
31 without permission from the owner.

32 **4. Furnishing a graffiti implement to a minor.** A person other than a parent or
33 legal guardian may not sell, give, lend or otherwise furnish or cause or permit to be
34 exchanged, given, loaned or otherwise furnished a graffiti implement to a minor without
35 written permission of a parent or legal guardian of the minor.

36 **5. Penalties.** A person who violates this section commits a civil violation for which
37 a fine of not more than \$250 may be adjudged. A person who violates this section after
38 having been previously adjudicated as violating this section commits a civil violation for

1 which a fine of not more than \$500 may be adjudged. Each day a violation occurs or
2 remains is a separate violation under this subsection. In addition to a fine adjudged under
3 this subsection, a person who has violated this section shall pay restitution for all costs of
4 removal of the graffiti.

5 **SUMMARY**

6 This bill makes a civil offense of applying graffiti on private or public property
7 without permission from the owner, possessing graffiti implements by minors on or near
8 a school or by persons near private or public property without permission and furnishing
9 graffiti implements to a minor. The penalty for violating this provision is a \$250 fine for
10 the first offense and a \$500 fine for a 2nd or subsequent offense.