

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1074

S.P. 377

In Senate, March 24, 2015

### **An Act To Create a Cause of Action for Damage to Public Easements**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative HARLOW of Portland and  
Senators: BURNS of Washington, DILL of Penobscot, LIBBY of Androscoggin, MIRAMANT of Knox, SAVIELLO of Franklin, Representative: GOODE of Bangor.

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

2 **Sec. 1. 17 MRSA §3853-D, sub-§1**, as amended by PL 1995, c. 539, §1, is  
3 further amended to read:

4 **1. Damage or destruction to farmland, forest land or public easement.** A person  
5 who, as a result of operating a motor vehicle on farmland ~~or~~ forest land or a public  
6 easement in fact, damages or destroys crops, forest products, personal property or roads  
7 on that farmland ~~or~~ forest land or public easement, commits a Class E crime.

8 **Sec. 2. 17 MRSA §3853-D, sub-§2, ¶C** is enacted to read:

9 C. "Public easement" means an easement held for purposes of public access to land  
10 or water retained as the result of abandonment or discontinuance of a public way.

11 **Sec. 3. 17 MRSA §3853-D, sub-§3, ¶D**, as amended by PL 1995, c. 539, §1, is  
12 further amended to read:

13 D. A law enforcement officer who, in an emergency and in the scope of that law  
14 enforcement officer's employment, operates a motor vehicle on farmland or forest  
15 land owned by another or on a public easement.

16 **SUMMARY**

17 This bill provides that a person who, as a result of operating a motor vehicle on a  
18 public easement in fact, damages or destroys crops, forest products, personal property or  
19 roads on that public easement commits a Class E crime.