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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 377, L.D. 1074, Bill, “An Act To Create a Cause of Action for Damage to Public Easements”

Amend the bill by striking out the title and substituting the following:

'An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 17 MRSA §3853-D, sub-§2, ¶A-3 is enacted to read:

A-3. "Emergency responder" means a person providing firefighting, rescue or emergency medical services.

Sec. 3. 17 MRSA §3853-D, sub-§2, ¶C is enacted to read:

C. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2.'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 17 MRSA §3853-D, sub-§3, ¶¶C and D, as amended by PL 1995, c. 539, §1, are further amended to read:

C. An agent or employee of a landowner who operates a motor vehicle on farmland or forest land 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 or forest land owned by another: or on a public easement; or

Sec. 4. 17 MRSA §3853-D, sub-§3, ¶E is enacted to read:

E. An emergency responder who, in an emergency and in performing the duties of the emergency responder, operates a motor vehicle on farmland or forest land owned by another or on a public easement.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment is the majority report of the committee. The amendment strikes
5 from the bill the definition of "public easement" and defines that term instead by
6 reference to the Maine Revised Statutes, Title 23, section 3021, subsection 2 and provides
7 a definition of "emergency responder." The amendment provides an exception for an
8 emergency responder that is similar to the exception in current law for a law enforcement
9 officer.

10 **FISCAL NOTE REQUIRED**

11 **(See attached)**