

§3252. Drainage or obstruction of public ways

1. Change in drainage; obstruction. A person, personally or through the person's agents or servants, may not do any of the following acts in a manner that changes the drainage of a public way or obstructs a public way:

A. Cultivate, in connection with the improvement of lands adjacent to a public way, any portion of the wrought portion of a public way; [PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Turn teams, tractors, farm machinery or other equipment upon the wrought portion of a public way; or [PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Deposit within or along any ditch or drain in a public way any material that will obstruct the flow of water in the ditch or drain or otherwise obstruct the way. With the written consent and in accordance with specifications of the legal authorities having supervision of the ditch or drain, a person may, to provide egress and regress to and from lands occupied by that person, lawfully construct and maintain a bridge across the ditch or drain. [PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who intentionally or knowingly violates subsection 1 commits a civil violation for which a fine of not more than \$50 plus costs may be adjudged. [PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who intentionally or knowingly violates subsection 1 after having previously violated this section commits a civil violation for which a fine of not more than \$100 plus costs may be adjudged. [PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

All fines recovered under this section, except in cases where the way involved was maintained by the State, must be paid to the treasurer of the municipality, or, for an unorganized place, to the treasurer of the county, where such offense is committed and must be expended in the construction and maintenance of public ways or drains therein.

[PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Damages. In addition to the fines under subsection 2, a person who intentionally or knowingly violates subsection 1 is liable for double the amount of the actual damage, to be recovered in a civil action by the municipality, or, in behalf of any unorganized place, by the county where the offense is committed.

[PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Jurisdiction. In all prosecutions under this section, the District Court has, upon complaint, jurisdiction concurrent with the Superior Court.

[PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Application. This section does not apply to a person having legal supervision of a public way.

[PL 2003, c. 452, Pt. L, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §L7 (RPR). PL 2003, c. 452, §X2 (AFF).

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