

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Deter Graffiti**

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

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

### **§ 7562. Graffiti**

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

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

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

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

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

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

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

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

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

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

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

**5. Penalties.** A person who violates this section commits a civil violation for which a fine of not more than \$250 may be adjudged. A person who violates this section after having been previously adjudicated as violating this section commits a civil violation for which a fine of not more than \$500 may be adjudged. Each day a violation occurs or remains is a separate violation under this subsection. In addition to a fine adjudged under this subsection, a person who has violated this section shall pay restitution for all costs of removal of the graffiti.

## SUMMARY

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