

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 954**

H. P. 708

House of Representatives, February 18, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hawkens of Farmington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Prevention by Landowners of Acquisition of  
Rights-of-way, Easements and Public Rights by Dedication.**

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

**Sec. 1. R. S., T. 14, § 812, amended.** The 2nd sentence of section 812 of Title 14 of the Revised Statutes is amended to read as follows:

If a person apprehends that a right-of-way or other easement in or over his land may be acquired by custom, use or otherwise by any person, class of persons or the public, he may give public notice of his intention to prevent the acquisition of such easement by causing a copy of such notice to be recorded in the registry of deeds for the county where his land lies or by causing a copy of such notice to be posted in some conspicuous place upon the premises for 6 successive days and such recording or posting shall prevent the acquiring of such easement by use for any length of time thereafter; or he may prevent a particular person or persons from acquiring such easement by causing an attested copy of such notice to be served by an officer qualified to serve civil process upon him or them in hand or by leaving it at his or their dwelling house, or, if the person to whom such notice is to be given is not in the State such copy may be left with the tenant or occupant of the estate, if any.

**Sec. 2. R. S., T. 14, § 812-A, additional.** Title 14 of the Revised Statutes is amended by adding a new section 812-A, to read as follows:

**§ 812-A. Dedication to public use; notice to prevent**

If a person apprehends that his land or any interest therein may be dedicated to public use by custom, use or by any act or acts of that person or any

persons acting on his behalf, he may give public notice that he has no intent to dedicate his land or any interest therein to public use, by causing a copy of such notice to be recorded in the registry of deeds for the county where the land lies, and such recording shall prevent such dedication. The failure to do so shall not create any implication of dedication.

#### STATEMENT OF FACT

This bill permits a landowner to give notice of his intention to prevent the acquisition of rights-of-way, easements or public rights by dedication upon his land, by recording a notice to that effect in the registry of deeds for the county where the land lies.