

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 928

H.P. 593

House of Representatives, March 11, 2025

An Act to Maintain Public Access to Town Ways in Maine

Received by the Clerk of the House on March 5, 2025. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative WHITE of Guilford.
Cosponsored by Senator LIBBY of Cumberland and
Representatives: ALBERT of Madawaska, FOSTER of Dexter, MASON of Lisbon,
MONTELL of Gardiner, PARRY of Arundel, RAY of Lincolnville, RUDNICKI of Fairfield,
THORNE of Carmel.

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

2 **Sec. 1. 23 MRSA §3028-A, sub-§11**, as enacted by PL 2021, c. 145, §2 and
3 affected by §3, is amended to read:

4 **11. Removal of obstructions.** If the municipal officers or county commissioners have
5 declared a town way discontinued by abandonment and have retained a public easement in
6 the abandoned town way under this section for at least 15 years, the municipality, county
7 commissioners or an abutter on the way may not gate, bar or otherwise obstruct the town
8 way. If the municipal officers or county commissioners have declared a town way
9 discontinued by abandonment and have retained a public easement in the abandoned town
10 way under this section for less than 15 years, the municipality, county commissioners or
11 an abutter on the way, acting with the written permission of the municipal officers or county
12 commissioners, may remove any gates, bars or other obstructions in the town way.

13 **SUMMARY**

14 This bill provides that if the municipal officers or county commissioners have declared
15 a town way discontinued by abandonment and have retained a public easement in the
16 abandoned town way under this section for at least 15 years, the municipality, county
17 commissioners or an abutter on the way may not gate, bar or otherwise obstruct the town
18 way.

19 The bill also provides that if the municipal officers or county commissioners have
20 declared a town way discontinued by abandonment and have retained a public easement in
21 the abandoned town way under this section for less than 15 years, the municipality, county
22 commissioners or an abutter on the way, acting with the written permission of the municipal
23 officers or county commissioners, may remove any gates, bars or other obstructions in the
24 town way.