

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
105TH LEGISLATURE

HOUSE AMENDMENT "A" to H. P. 708, L. D. 954, Bill, "AN ACT Relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication."

Amend said Bill by striking out everything after the amending clause in section 1 and inserting in place thereof the following:

'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 posted in some conspicuous place upon the premises for 6 successive days, or in the case of wildland, by causing a copy of such notice to be recorded in the registry of deeds for the county where his wildland lies, and such posting or recording 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.'

Further amend said Bill in section 2 by striking out all of that part designated "§ 812-A." and inserting in place thereof the following:

'§ 812-A. Dedication of wildland to public use; notice to prevent
If a person apprehends that his wildland or any interest

(Filing No. H-340)

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 wildland 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 wildland lies, and such recording shall prevent such dedication. The failure to do so shall not create any implication of dedication.'

Further amend said Bill by inserting after section 2 the following:

'Sec. 3. R. S., T. 14, § 812-B, additional. Title 14 of the Revised Statutes is amended by adding a new section 812-B to read as follows:

§ 812-B. Recording requirements

To satisfy the recording provisions of the foregoing sections, 812 and 812-A, with respect to wildland, the notice shall sufficiently describe the wildland so as to identify it. Such notice shall expire after 10 years but new notices, each effective for a 10-year period, may be so recorded at any time.

Statement of Fact

This amendment limits the recording provisions to wildland and requires that the wildland be clearly identified and that the recording be repeated each 10 years.

Filed by Mr. Hewes of Cape Elizabeth.

Reproduced and distributed under the direction of the Clerk of the House.

5/25/71

(Filing No. H-340)