

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 884

H. P. 677

House of Representatives, February 14, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Cooney of Sabattus.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Abandonment of Town Ways.**

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

R. S., T. 14, c. 740, additional. Title 14 of the Revised Statutes is amended by adding a new chapter 740 to read as follows :

**CHAPTER 740**

**ABANDONMENT**

§ 7571. Abandonment ; burden of proof

Any person possessing a proprietary interest in real property which immediately adjoins a town way may bring an action to show abandonment of the way by the town. The burden of proving abandonment shall be borne by the party maintaining the action and shall be satisfied upon a finding by the trier of fact that public funds have not been expended for the purpose of construction, alteration or maintenance of the town way for more than 20 years.

§ 7572. Service ; appearance

An action under section 7571 shall be brought in the county or district respectively in which the real estate lies. Service in such action shall be made as in other actions on all known persons also possessing a proprietary interest in land abutting the town way at issue and who may be aggrieved or any way affected by a successful prosecution of an abandonment action and notice to persons who are unascertained, not in being or unknown shall be given by publication as in other actions where publication is required.

If any person so summoned appears and claims an interest adverse to a finding of abandonment, he shall by motion show why the party maintaining the action should not succeed. The court shall make such decree respecting the bringing and prosecuting of such action as it deems equitable and just.

#### STATEMENT OF FACT

This bill is intended to aid towns in the closing of roads unused for a period of 20 years or more.