

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1534

H. P. 1281

House of Representatives, April 3, 1979

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. Brown of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Regarding Laws Relating to Town Lines.

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

Sec. 1. 30 MRSA § 2001 is repealed.

Sec. 2. 30 MRSA § 2001-A is enacted to read:

§ 2001-A. Identification of boundary lines

Boundary lines between municipalities shall be perambulated once every 5 years to determine whether the boundary location is apparent within 5 meters. The following procedures shall apply.

1. Notice. The municipal officers shall give a 10-day written notice to the officers of the adjoining municipalities advising them of the time and place of meeting for perambulation.

2. Failure to appear. If the officers of any municipality fail to appear in person, or by representative, at the time and place appointed for the required perambulation, the municipality which complies with its duty may perambulate the line and charge the other municipality for ½ the expense incurred.

3. Expense. The expense of perambulation shall be borne equally by each municipality.

4. **Unorganized area.** Where a municipality adjoins an unorganized area, the county in which this area is located stands in the same relation as a municipality for the purpose of perambulating its boundary lines and paying its share of the expense of the perambulation. The county commissioners shall perform the duties required of municipal officers.

5. **Record of observations.** In the records of the adjoining municipalities there shall be recorded the dates and times when the perambulation took place, the names of the municipal officers participating and, either a certification by the participants that they were able to identify all monuments described in the legislated definition of the boundary and that the boundary location was apparent within 5 meters at all locations along its length, or a statement of the deficiencies found and a record of the action taken to correct those deficiencies.

6. **Deficiencies.** If all monuments are found in place and apparently undisturbed, but the boundary location is in doubt because of obstructions to visibility between monuments occurring since the last perambulation, the municipal officers shall act to have the line cleared of obstructions. If monuments have been disturbed or destroyed, or for some other reason it becomes necessary to precisely locate the boundary line, the municipal officers shall engage the services of a qualified registered land surveyor to supervise the locating and monumenting of the line, so that certification required by subsection 5 may be completed.

7. **Monumentation and record.** Municipal boundaries meeting all of the following qualifications need not be perambulated more often than once every 10 years if:

A. Monuments of granite or other material of comparable life and resistance to movement are located at all angle points and at intervals not exceeding 500 meters along straight boundaries;

B. Monuments have drill holes or punch marks in inserts of a diameter not greater than one centimeter, indicating the point on the monument to be used as the boundary; and

C. Boundaries are shown to scale on a plan filed at the offices of the adjoining municipalities and at the registry of deeds of the county, or adjoining counties, in which the municipalities are located, and that plan includes the location of all monuments together with dimensions by which those monuments may be found and checked for accuracy, and a certification by a qualified and registered land surveyor that he has examined the records of the legislative action by which that boundary was created, verified the location of the boundary monuments on the ground, and finds agreement, subject to such minor discrepancies as he has noted on the plan.

8. **Qualified surveyor.** Should the qualifications of any registered land surveyor engaged to perform work under this statute be challenged, he shall submit his plan of procedure to the Board of Registration of Land Surveyors for

approval. Approval of the proposed procedure in writing by that board shall constitute qualification of its author.

Sec. 3. 30 MRSA § 2002, sub-§§ 5 and 6 are amended to read:

5. True line. When the report has been accepted by the court, the line established by the commissioners becomes the true line for every municipal purpose, and the court shall order the interested municipalities to replace the temporary markers with ~~stone~~ monuments as provided in section ~~2001~~ **2001-A**, subsection-~~6~~ **7**.

6. Expense. The expense of erecting ~~stone~~ monuments shall be borne equally by each municipality.

STATEMENT OF FACT

The purpose of this bill is to revise the laws in regard to town lines.