

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1856

H. P. 1738

House of Representatives, January 23, 1980

On Motion of Mr. LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Drinkwater of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Pertaining to the Abandonment of Public Ways.

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

23 MRSA § 3028, as last amended by PL 1979, c. 127, § 154, is further amended by adding at the end a new sentence to read:

A presumption of abandonment is not rebutted by evidence which shows isolated acts of maintenance, unless other evidence exists which shows a clear intent by the municipality or county to consider or use the way as if it were a public way.

STATEMENT OF FACT

This bill will more clearly establish the standard of intent necessary to rebut a presumption of abandonment of a public way.