

MAINE STATE LEGISLATURE

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D. OF R.

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L.D. 1991

(Filing No. S-443)

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STATE OF MAINE
SENATE
110TH LEGISLATURE
SECOND REGULAR SESSION

6 COMMITTEE AMENDMENT "A" to S.P. 854, L.D. 1991, Bill,
7 "AN ACT to Facilitate the Removal of Clouds on Titles to
8 Proposed Unaccepted Streets in Subdivisions."

9 Amend the bill by inserting before the enacting clause
10 the following:

11 'Emergency preamble. Whereas, Acts of the Legislature
12 do not become effective until 90 days after adjournment
13 unless enacted as emergencies; and

14 Whereas, this legislation provides for a one-year
15 period during which a person claiming a right in a subdivi-
16 sion street may file his claim after an order vacating the
17 street is recorded; and

18 Whereas, if vacation orders may be entered as soon as
19 possible after passage of this legislation that time period
20 may begin to run; and

21 Whereas, it is important to clear the title to appro-
22 priately vacate subdivision streets in time for next year's
23 building season; and

24 Whereas, in the judgment of the Legislature, these
25 facts create an emergency within the meaning of the Consti-
26 tution of Maine and require the following legislation as
27 immediately necessary for the preservation of the public
28 peace, health and safety; now, therefore,'

29 Further amend the bill in section 2 in that part desig-
30 nated "§3027." in subsection 1 (page 2, line 27 in L.D.) by
31 striking out the underlined number "3206" and inserting in
32 its place the underlined number '3026'

33 Further amend the bill in section 2 in that part desig-
34 nated "§3027." in subsection 2 (page 3, line 8 in L.D.) by
35 striking out the underlined word "commerce" and inserting in
36 its place the underlined word 'commence'

1 COMMITTEE AMENDMENT "A" to S.P. 854, L.D. 1991

2 Further amend the bill in section 2 in that part desig-
3 nated "§3027." in subsection 2 (page 3, line 25 in L.D.) by
4 striking out the underlined words "filed with" and inserting
5 in their place the underlined words 'recorded in'

6 Further amend the bill in section 3 in that part desig-
7 nated "§3027-A." by striking out all of subsection 2 and
8 inserting in its place the following:

9 '2. Rights of action. All persons are forever barred
10 from maintaining any action at law or in equity to estab-
11 lish, recover, confirm or otherwise enforce any right
12 claimed to or in a proposed or described vacated way by
13 reason of the ownership by the claimant or by a predecessor
14 in title of a lot or parcel of land shown on a recorded sub-
15 division plan, unless, within one year of the date of recor-
16 dation of the order of vacation, the claimant files in the
17 registry of deeds where the subdivision plan is recorded a
18 statement under oath specifying the nature, basis and extent
19 of the claimed interest in the way. The claim is forever
20 barred unless, within 180 days after the recording of the
21 statement, the claimant or any other person acting on behalf
22 of the claimant commences an action in equity under Title
23 14, chapter 723, to establish the rights asserted to or in
24 the way. These limitation periods are not tolled or inter-
25 rupted by any disability, minority, lack of knowledge or ab-
26 sence from this State of any claimant. Upon the trial of an
27 action, the court shall grant judgment for the claimant only
28 if it finds that the claimant has acquired an interest in
29 the proposed way and that the deprivation of rights in the
30 proposed way unreasonably limits access from a public way,
31 a public body of water or common land or facility to the
32 land of the claimant shown on the recorded subdivision plan.
33 Any judgment rendered by the court in the action may, in the
34 discretion of the court, grant the claimant reasonable dam-
35 ages instead of establishment of the claimant's rights.'

36 Further amend the bill by inserting before the State-
37 ment of Fact the following:

38 'Emergency clause. In view of the emergency cited in
39 the preamble, this Act shall take effect when approved.'

D. C. R.

(Filing No. S-443)

1 COMMITTEE AMENDMENT "A " to S.P. 854, L.D. 1991

2 STATEMENT OF FACT

3 This amendment clarifies the word "subdivision plan" in
4 2 sections by specifying that it be a recorded subdivision
5 plan.

6 It also amends the statute of limitations section by
7 allowing someone to assert a claim on behalf of a claimant
8 who, by reason of disability, minority, lack of knowledge or
9 absence from the State, cannot assert his own claim. This
10 amendment also adds an emergency preamble and clause to the
11 bill.

12 5409032982

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 30, 1982.

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