

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1895

6  
7 S.P. 688

In Senate, January 10, 1984

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.  
9 Reference to the Committee on Public Utilities is suggested and ordered  
10 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Baldacci of Penobscot.

Cosponsors: Representative Vose of Eastport, Representative Weymouth  
of West Gardiner and Representative Paradis of Old Town.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Limit the Prohibition on  
18 Prescriptive Pole and Wire Easements to  
19 Public Ways.  
20

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

23 35 MRSA §2488 is amended to read:

24 §2488. Use of facilities alone creates no legal  
25 right for continuance

26 No enjoyment by any company, person or associa-  
27 tion, for any length of time, of the privilege of  
28 having or maintaining ~~posts, wires or apparatus in,~~  
29 ~~upon, over or attached to any building or land of~~  
30 ~~other persons shall its facilities, as defined in~~  
31 section 2483, in the public way, may give a legal  
32 right to the continued use of such enjoyment or raise  
33 any presumption of a grant thereof.

1

STATEMENT OF FACT

2       This bill makes it clear that utilities cannot  
3 obtain prescriptive easements for property con-  
4 structed in the public way. Private landowners have  
5 a period of 20 years to bring a lawsuit to stop an  
6 unwanted use of their property, Title 14, section  
7 812.

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