

MAINE STATE LEGISLATURE

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D. OFR.

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L.D. 708

(Filing No. S- 74)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 265, L.D. 708,
Bill, "AN ACT Relating to Structures Located in Pro-
posed Ways."

Amend the bill in section 1 by striking out all
of the amending clause (page 1, lines 22 and 23 in
L.D.) and inserting in its place the following:

'Sec. 1. 23 MRSA §3027-A, sub-§§3-A and 3-B are
enacted to read:'

Further amend the bill in section 1 by inserting
after subsection 3-A the following:

'3-B. Prevention of acquisition. If a munici-
pality apprehends that a person may be acquiring
rights under subsection 3-A to permanently maintain a
structure within a proposed but unaccepted way, it
may give notice of its intention to prevent the ac-
quisition of those rights by causing a copy of the
notice to be served upon the person by an officer
qualified to serve civil process, either in hand or
by leaving a copy at the dwelling house of the person
or, if the person is not a resident of the State, by
sending a copy to the person by mail requiring return
receipt.

A certificate by the officer qualified to serve pro-
cess that the copy has been served as provided in
this subsection or a certificate of the municipal
clerk that the copy has been sent by mail as provided
in this subsection, when recorded within 90 days af-
ter the date of the notice in the registry of deeds
for the county or district in which the proposed but
unaccepted way is located, accompanied by an attested
copy of the notice, shall be conclusive evidence of
that service.

D. OF R.

COMMITTEE AMENDMENT " A " to S.P. 265, L.D. 708

1 In the event the notice is given and recorded as pro-
2 vided in this subsection, the notice shall for a pe-
3 riod of 10 years thereafter prevent the running of
4 the 20-year period of limitation provided for in sub-
5 section 3-A, after which 10-year period the period of
6 limitation shall once again continue to run, unless
7 notice is again given and recorded as provided in
8 this subsection.'

9

STATEMENT OF FACT

10 This amendment adds a subsection permitting a mu-
11 nicipality to prevent the barring of an action to
12 compel removal of a structure in a proposed but unac-
13 cepted town way. The running of the 20-year period
14 of limitation provided for in section 1 of the bill
15 can be interrupted by the municipality serving and
16 recording notice that it intends to prevent the ac-
17 quisition of the right, after 20 years, to keep the
18 structure in place safe from a court-compelled remov-
19 al.

20

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Reported by the Majority for the Committee on Judiciary.
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