

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1802

7 H.P. 1285

House of Representatives, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Local and County Government suggested
and ordered printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Foster of Ellsworth.

12 STATE OF MAINE
13

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

17 AN ACT Relating to the Acceptance of Public
18 Easements by Municipalities.
19

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

22 Sec. 1. 23 MRSA §3025-A is enacted to read:

23 §3025-A. Acceptance of a public easement and level
24 of maintenance

25 A municipality may accept title to property for
26 the purposes of a public easement, as defined in sec-
27 tion 3021, subsection 2, and the municipal officers
28 may contract with one or more of the property owners
29 adjacent to the public easement as to the level of
30 construction, maintenance and care the municipality
31 shall give to the public easement, subject to the
32 following provisions of this chapter:

33 1. Right to lay out a town way. The right of
34 the municipal officers to lay out a town way;

1 2. Right to discontinue public easement or town
2 way. The right of the municipal officers to discon-
3 tinue the public easement or town way; and

4 3. Right of petitioner to lay out public way.
5 The right of the property owners adjacent to the pub-
6 lic easement petitioning the municipal officers to
7 lay out a public way.

8 Sec. 2. 23 MRSA §3105 is amended to read:

9 §3105. Use of town equipment and material

10 The inhabitants of any town or village corpora-
11 tion at a legal town or village corporation meeting
12 may authorize the selectmen of the town or assessors
13 of the village corporation to use its highway equip-
14 ment and material on private ways within such town or
15 village corporation, whenever such selectmen or as-
16 sors deem it advisable in the best interests of
17 the town or village corporation for fire and police
18 protection.

19 STATEMENT OF FACT

20 This bill provides a mechanism for municipalities
21 to accept title to property for purposes of public
22 easements and to maintain these easements.

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