MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 647

H.P. 480 House of Representatives, March 5, 1987 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative McHENRY of Madawaska.

Cosponsored by Senators THERIAULT of Aroostook, BRANNIGAN of Cumberland and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

1 2 3	AN ACT to Protect the Ownership of Land held by Legal Title.
<u>4</u> 5	Be it enacted by the People of the State of Maine as follows:
6 7	Sec. 1. 14 MRSA c. 205, sub-c. II, as amended, is repealed.
8 9	Sec. 2. 14 MRSA c. 205, sub-c. II-A is enacted to read:
0	SUBCHAPTER II-A
1	ADVERSE POSSESSION AND PRESCRIPTIVE EASEMENT
2 3	§821. Adverse possession and prescriptive easement abolished

Page 1-LR1169

	The	common	law	act	ions	for	acquisi	tion	of	title
to	inte	erests	in	land	thre	ough	adverse	poss	sessio	n and
pre	scrit	otive e	asem	ent a	are a	aboli	ished.			

Sec. 3. Transitional provisions. This Act does not affect any interest in land that matured before the effective date of this Act.

STATEMENT OF FACT

The purpose of this bill is to protect land held by legal title by abolishing the doctrines of adverse possession and prescriptive easement. These doctrines allow the acquisition of title to land easement against the claims of others, including the record owner, through certain acts over a period The required elements that constitute adverse possession specify that possession must be open, adverse, continuous, exclusive and with claim of right for a period of 20 years or 40 years under certain circumstances. The requisite elements for prescriptive easement are similar to those of adverse possession except that acquisition by prescription does not require hostile possession or use.

One of the primary purposes for the development of doctrines adverse possession prescriptive easement was the promotion of land development. Since conservation of land has become more important than development of land, the doctrines have become outdated. Primarily, the doctrines now serve to allow those holding land without legal title to gain ownership of that land against those with legal title. This bill serves to protect legal title to lands by abolishing adverse possession and prescriptive easement, thus preserving the ownership rights of Maine citizens.

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