

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2278

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H.P. 1645

House of Representatives, February 5, 1990

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative STEVENS of Bangor, Representative ANTHONY of South Portland and Senator HOLLOWAY of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Amend the Definition of Public Way.

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

29 MRSA §1, sub-§21 is amended to read:

21. **Way.** "Way" shall ~~include~~ means all kinds of public ways including public ways as defined in Title 17-A, section 505, subsection 2.

#### STATEMENT OF FACT

This bill includes in the definition of "way" in the Maine Revised Statutes, Title 29, a definition of "public way" in Title 17-A. The definition of "public way" in the Maine Revised Statutes, Title 17-A, section 505, subsection 2, reads as follows:

"As used in this section, "public way" means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers."

This language includes shopping mall parking lots, private roads in developments and other technically "private roads."

Habitual offenders are currently forbidden to drive in shopping center parking lots and similar privately owned areas by the identical reference to Title 17-A, section 505, subsection 2, in Title 29, section 2298.

Truly private ways, to which the public does not have a right of access or to which the public has not been invited, are not affected.