

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 472

H.P. 342

House of Representatives, February 8, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

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

EDWIN H. PERT, Clerk

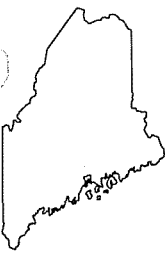
Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Senator HOLLOWAY of Lincoln and Representative FARNSWORTH of
Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Quiet Title to Unused Ancient Rights-of-way.



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

14 MRSA §817 is enacted to read:

§817. Presumptive abandonment of rights-of-way

1. Declaratory judgment. Any person with a property interest in either the dominant or servient estate may file an action for a declaratory judgment under chapter 707 to determine whether a right-of-way is presumed to have been abandoned under this section.

2. Abandonment presumed. A deeded right-of-way is conclusively presumed to be abandoned if:

A. The property subject to the right-of-way is transferred after the year 1900 and the most recent recorded deed to the property does not expressly reflect the existence of the right-of-way; and

B. The right-of-way has not been used by any owner of the right-of-way during the 20 years immediately preceding an action brought under subsection 1.

STATEMENT OF FACT

This bill is intended to clarify the status of ancient rights-of-way. Under the bill, a right-of-way is conclusively presumed to be abandoned if the property subject to the right-of-way has been transferred after the year 1900, the current deed does not state that the property is subject to the right-of-way and the owner or owners of the right-of-way have not used the right-of-way for the past 20 years.