

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 761

H.P. 533

House of Representatives, February 21, 1991

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

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

EDWIN H. PERT, Clerk

Presented by Representative DORE of Auburn.

STATE OF MAINE

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

An Act to Amend the Laws Concerning Paper Streets.



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

2
4 Sec. 1. 23 MRSA §3023, 4th ¶, as repealed and replaced by PL 1975, c. 770, §98, is amended to read:

6 Unless specifically provided in the order of condemnation or
8 unless the property or interests to be taken include land or
10 right-of-way of a railroad corporation or a public utility, or
12 unless section 3032-A applies, title to property taken for town
ways after December 31, 1976, shall must be in fee simple
absolute.

14 Sec. 2. 23 MRSA §3032-A is enacted to read:

16 **§3032-A. Unaccepted streets**

18 1. Title. Title to property taken for town ways after
December 31, 1976 is not required to be in fee simple absolute if:

20 A. The property to be taken is located in whole or in part
upon a proposed unaccepted way; and

22 B. The public rights in the property are:

24 (1) Not terminated pursuant to section 3031,
26 subsection 1; or

28 (2) Not expired pursuant to section 3032 or 3033.

30 2. Assignment of rights. By an assignment authorized by
32 the municipal officers, a municipality that is the beneficiary of
34 a dedication of public rights arising out of a proposed
36 unaccepted street may assign specific rights to a specific
38 abutting owner who has no other private right-of-way over that
40 proposed unaccepted street if the assignment does not create in
42 or impose upon a municipality any obligation of constructing or
44 maintaining the right-of-way, and the assignment must list the
names of the owners of the fee interest in the right-of-way or
portion of the right-of-way so assigned. In indexing the
assignment in the registry of deeds, the register of deeds shall
index the assignment in the grantor index under the name of the
municipality and the fee owners named in the instrument of
assignment. The right-of-way includes those rights belonging to
the public, including those rights set forth in section 3021,
subsection 2.

46 3. Repeal. This section is repealed December 31, 1997.
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STATEMENT OF FACT

4 This bill deals with unaccepted streets or so-called paper
6 streets. The bill provides that title to property taken for town
8 ways is not required to be in fee simple absolute if the property
10 includes a paper street and public rights in the property have
12 not been terminated pursuant to the Maine Revised Statutes, Title
23, section 3031, subsection 1, section 3032 or 3033. The bill
also allows municipalities under certain circumstances to assign
rights-of-way to landowners abutting paper streets.