

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

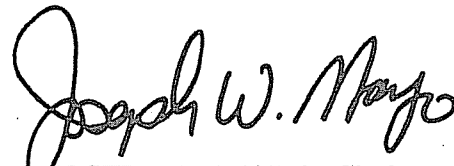
No. 238

H.P. 186

House of Representatives, February 1, 1993

An Act to Amend the Laws Governing Paper Streets.

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


JOSEPH W. MAYO, Clerk

Presented by Representative DORE of Auburn.
Cosponsored by Representative: FARNSWORTH of Hallowell.

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

Sec. 1. 23 MRSA §3023, 4th ¶, as repealed and replaced by PL 1975, c. 770, §98, is amended to read:

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

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

§3032-A. Unaccepted streets

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

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

B. The public rights in the property are:

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

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

2. Assignment of rights. By an assignment authorized by the municipal officers, a municipality that is the beneficiary of a dedication of public rights arising out of a proposed unaccepted street may assign specific rights to a specific abutting owner who has no other private right-of-way over that proposed unaccepted street if the assignment does not create in or impose upon a municipality any obligation of constructing or 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.

3. Repeal. This section is repealed December 31, 1997.

STATEMENT OF FACT

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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
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.