

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

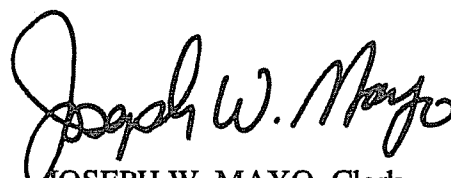
No. 1076

H.P. 790

House of Representatives, March 30, 1993

An Act to Amend the Laws Governing Adverse Possession of Real Estate.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.

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

Sec. 1. 14 MRSA §810-A is enacted to read:

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§810-A. Mistake of boundary line establishes hostility

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If a person takes possession of land by mistake as to the location of the true boundary line and possession of the land in dispute is open and notorious, under claim of right, and continuous for the statutory period, the hostile nature of the claim is established and no further evidence of the knowledge or intention of the person in possession is required.

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STATEMENT OF FACT

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This bill adopts the position now held by a majority of jurisdictions that, if the occupancy of land beyond a true boundary line is actual, open, notorious and continuous, it is hostile and adverse even though the original occupancy took place due to ignorance, inadvertance or mistake, without the intention to claim lands of another. It thus overrules the positions adopted by the Maine courts in Preble v. Maine Central R. Co., 85 Me. 260, 27 A.149 (1893) and Landry v. Giguere, 127 Me. 264, 143 A.1 (1928) that "intention to hold only to true boundary wherever that boundary might be defeats claim of one seeking title by adverse possession to land beyond the true boundary." McMullen v. Dowley, 483 A.2d 698, 700 (Me. 1984) citing Landry v. Giguere.