

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 911

S.P. 330

In Senate, March 21, 1995

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### **An Act to Protect Existing Utility Service.**

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CARPENTER of York.

Cosponsored by Representatives: POIRIER of Saco, TAYLOR of Cumberland.

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

Sec. 1. 35-A MRSA §2504, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**§2504. Use of facilities alone creates no legal right for continuance**

No enjoyment by any person for any length of time of the privilege of having or maintaining its facilities in the public way, may give a legal right to the continued use of the enjoyment or raise any presumption of a grant of a legal right.

Neither this section nor former Title 35, section 2488 prevents a utility from obtaining a legal right or a presumption of a grant of legal right to have, maintain or use its facilities that are not in the public way unless a person contesting this right or presumption gives notice as provided in Title 14, section 812 by November 1, 1996.

**STATEMENT OF FACT**

This bill clarifies that neither the Maine Revised Statutes, Title 35-A, section 2504 nor its predecessor prevents a utility from gaining the right to use its facilities that are not in the public way unless a person contesting this right gives notice by November 1, 1996.