

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1231

H.P. 874

House of Representatives, February 11, 1999

An Act to Allow Special-use Access over Discontinued Municipal and County Roads.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: FOSTER of Gray, HONEY of Boothbay, KASPRZAK of Newport, USHER
of Westbrook, Senators: FERGUSON of Oxford, KILKELLY of Lincoln.

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

4 **Sec. 1. 23 MRSA §2956 is enacted to read:**

6 **§2956. Hauling timber on discontinued roads**

8 **1. Transporting timber.** A person may transport timber on a
10 town way that is discontinued pursuant to section 3026 or any
12 former statute under which municipal officers discontinued town
14 ways or on a highway that is discontinued pursuant to section
2051, subsection 1 or any former statute under which county
commissioners discontinued highways if the timber is felled on
property owned by that person and a public easement exists on the
discontinued road.

16 **2. Clearing discontinued roads.** A person who transports
18 timber on a discontinued road pursuant to subsection 1 may clear
20 trees, shrubs, rocks and other obstructions from the discontinued
22 road and improve the road to a condition that is safe for
24 passage. The person may remove from the road gates, fences and
other obstructions erected by an individual if, before removing
the obstruction, that person makes a reasonable effort to notify
the individual who erected the obstruction.

26 **SUMMARY**

28 This bill permits a person to transport timber over a
30 discontinued municipal or county road if the timber is cut on
32 property owned by that person and a public easement exists in the
discontinued road. It also allows the person to clear
obstructions from the discontinued road and to improve the road's
condition to allow safe travel.