

MAINE STATE LEGISLATURE

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L.D. 1849

DATE: 2-14-00

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MINORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1288, L.D. 1849, Bill, "An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways"

Amend the bill in section 1, in subsection 1 by striking out all of the first blocked paragraph (page 1, lines 16 to 25 in L.D.) and inserting in its place the following:

'Upon approval of the discontinuance order by the legislative body, ~~and unless otherwise stated in the order, a public easement shall, in the case of town ways, be retained~~ and all remaining interests of the municipality shall pass to the abutting property owners to the center of the way and the land occupied by the way must be rejoined to the abutting property from which it was taken. ~~For purposes of this section, the words "public easement" shall include, without limitation, an easement for public utility facilities necessary to provide service.~~ If there is an existing utility easement over the way, that utility easement is retained.'

SUMMARY

This amendment is the minority report. It eliminates the retention of a public easement when a town way is discontinued, while preserving any existing utility easement.

COMMITTEE AMENDMENT