MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document   **No. 1849**

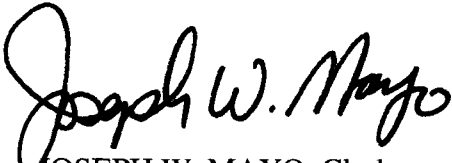H.P. 1288   House of Representatives, March 16, 1999

An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways.

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

JOSEPH W. MAYO, Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator NUTTING of Androscoggin.

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

Sec. 1. 23 MRSA §3026, sub-§1, as enacted by PL 1981, c. 683, §1, is amended to read:

1. General procedures. A municipality may terminate in whole or in part any interests held by it for highway purposes. A municipality may discontinue a town way or public easement after the municipal officers have given best practicable notice to all abutting property owners and the municipal planning board or office and have filed an order of discontinuance with the municipal clerk that specifies the location of the way, the names of abutting property owners and the amount of damages, if any, determined by the municipal officers to be paid to each abutter.

Upon approval of the discontinuance order by the legislative body, and unless otherwise stated in the order, a~public~easement shall,~in~the~ease~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. <u>A municipality may retain a public easement by including a statement in the discontinuance order that a public easement is retained.</u> For purposes of this section, the words "public easement" shall include, without limitation, an easement for public utility facilities necessary to provide service.

SUMMARY

This bill provides that a municipality may only retain a public easement in a discontinued road by stating in the discontinuance order that a public easement is retained.