

MAINE STATE LEGISLATURE

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L.D. 1923

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 1340, L.D. 1923, Bill, "An Act to Facilitate the Establishment of Trail Easements"

Amend the bill in section 1 in that part designated "~~§1581.~~" in subsection 1 in paragraph B in the 3rd line (page 1, line 24 in L.D.) by striking out the following: "pedestrian"

Further amend the bill in section 1 in that part designated "~~§1581.~~" by striking out all of subsection 2 and inserting in its place the following:

'2. Trail easement. "Trail easement" means a nonpossessory interest of a holder in real property for the purposes of creating and maintaining a trail for use by the general public:

A. For pedestrian use;

B. For snowmobile use, if the instrument creating the easement provides for snowmobile use;

C. For use by all-terrain vehicles as defined in Title 12, section 7851 if the instrument creating the easement provides for the use of all-terrain vehicles; or

D. For any combination of the uses described in paragraphs A to C, as specified in the instrument creating the easement.'

Further amend the bill in section 1 by striking out all of those parts designated "~~§1585.~~" and "~~§1586.~~" and inserting in their place the following:

COMMITTEE AMENDMENT

A.S.

'§1585. Applicability

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1. Trail easement created after effective date. This chapter applies to any interest created after the effective date of this chapter that meets the definition of "trail easement" as set forth in section 1581.

2. Chapter does not invalidate interest. This chapter does not invalidate any interest, whether designated as a trail easement or otherwise, that is enforceable under other laws of this State.'

SUMMARY

This amendment provides that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also deletes the provision defining certain terms that may be used in an easement document and deletes the provision allowing for application of the law to easements created before the effective date.