

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1016

H.P. 772

House of Representatives, February 20, 2001

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

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, 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:

2
4 **Sec. 1. 23 MRSA §3026, sub-§1**, as enacted by PL 1981, c. 683,
 §1, is amended to read:

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

16 Upon approval of the discontinuance order by the legislative
17 body, and unless otherwise stated in the order, a-public-easement
18 shall,--in-the-case-of-town-ways,--be-retained-and all remaining
19 interests of the municipality shall pass to the abutting property
20 owners to the center of the way. A municipality may retain a
21 public easement by including a statement in the discontinuance
22 order that a public easement is retained. For purposes of this
23 section, the words "public easement" shall include, without
24 limitation, an easement for public utility facilities necessary
25 to provide service.

26
27
28 **SUMMARY**

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