

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1467

H.P. 1021

House of Representatives, April 30, 2009

An Act Relating to the Carrabassett Valley Sanitary District

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROCKETT of Bethel.

Cosponsored by Representatives: DAVIS of Sangerville, JOHNSON of Greenville,
PINKHAM of Lexington Township.

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

2 **Sec. 1. Claim of adverse possession or prescriptive easement with respect**
3 **to transmission line on land owned by Carrabassett Valley Sanitary District.**

4 With respect to any transmission line, together with all associated equipment and
5 facilities, used to convey electricity from a generating facility, if that line in part is
6 located through, in, upon or over land owned by the Carrabassett Valley Sanitary District
7 and within 300 feet of a substation owned by a transmission and distribution utility, as
8 defined in the Maine Revised Statutes, Title 35-A, section 102, subsection 20-B, even if
9 the district were to be considered a quasi-governmental entity, the district's status does
10 not preclude the owner of the transmission line from acquiring rights to that land by
11 prescriptive easement or adverse possession and is not a bar to or defense against any
12 action brought by the owner of the transmission line who claims such rights by
13 prescriptive easement or adverse possession against the district, including with respect to
14 any transmission line constructed and installed prior to January 1, 1999. Notwithstanding
15 Title 14, section 812, to acquire a right-of-way or other easement through, in, upon or
16 over such land owned by the district, the owner of such a transmission line need only
17 establish the adverse use and enjoy ment thereof continued uninterruptedly for 10 years.

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SUMMARY

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20 This bill provides that the common-law rule that holds that a claim of adverse
21 possession or prescriptive easement may not be maintained against land owned by the
22 government or a quasi-governmental entity does not apply in the limited case where a
23 transmission line from a generating facility is located on or over property owned by the
24 Carrabassett Valley Sanitary District and within 300 feet of a utility substation. The bill
also in this limited case shortens the prescriptive period from 20 to 10 years.