

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1472

S.P. 549

In Senate, May 5, 2009

An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession

(AFTER DEADLINE)

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Senator: BLISS of Cumberland, Representatives: DILL of Cape Elizabeth,
HILL of York.

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

Sec. 1. 14 MRSA §812-C is enacted to read:

§812-C. Public road obtained by adverse possession

Notwithstanding any provision of this subchapter to the contrary, if a municipality obtains a public road through adverse possession and then abandons that road, the acquisition by the municipality of the property for use as a public road must be shown through a civil action to quiet title to the acquired property as described in chapter 723. If the municipality fails to show a court decree establishing or declaring the validity, nature or extent of the municipality's title to the road, the acquisition by adverse possession must be considered void.

SUMMARY

This bill requires that, in the specific instance that a municipality claims to obtain a public road by adverse possession and then subsequently abandons that road, the municipality must prove that the title to the road was established by a court decree. Failure to obtain the court decree voids a claim to the road by the municipality by adverse possession.