

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1473

H.P. 1082

House of Representatives, April 13, 2011

An Act To Clarify Rights-of-way Laws

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative WEAVER of York.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: BEAULIEU of Auburn, COTTA of China, SARTY of Denmark.

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

Sec. 1. 33 MRSA §469-A, sub-§6, as enacted by PL 1987, c. 385, §4, is amended to read:

6. Lack of reservation. Any person owning land in this State abutting a proposed, unaccepted way or portion of a proposed, unaccepted way, whose predecessors in title had not reserved title in the way under subsection 1 or 2, is deemed to own to the center line of the way or portion of the way, except for a proposed, unaccepted way under subsection 6-A.

Sec. 2. 33 MRSA §469-A, sub-§6-A is enacted to read:

6-A. Bounded by other property. A person owning land in a subdivision abutting a proposed, unaccepted way or portion of a proposed, unaccepted way owns the entire width of the portion of the way that abuts the person's land if:

A. The proposed, unaccepted way or portion of the proposed, unaccepted way is part of the subdivision and is laid out on the subdivision plan recorded in the registry of deeds;

B. The person's predecessors in title had not reserved title in the proposed, unaccepted way or portion of the proposed, unaccepted way under subsection 1 or 2; and

C. The proposed, unaccepted way or portion of the proposed, unaccepted way is bounded on the opposite side by land that is not included in the subdivision.

If the land on the opposite side of a proposed, unaccepted way or a portion of a proposed, unaccepted way under this subsection extends beyond the person's land, then the person owns the entire width of that portion of the extension of the proposed, unaccepted way that is not bounded by another owner's land on the person's side of the way.

SUMMARY

Current law allows a person who owns land that abuts a proposed, unaccepted way ownership to the center line of that proposed way. This bill allows a person who owns land in a subdivision that abuts a proposed, unaccepted way to own the entire width of the way if the land on the opposite side of the way is not part of the subdivision and allows the person to own an extension of that portion of the way beyond the boundary of the person's land that is not bounded by another owner's land on the person's side of the way.