

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1273

S.P. 434

In Senate, March 28, 2013

An Act Pertaining to the Closing of Municipal Roads for Community Use

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative BROOKS of Winterport and
Senators: BOYLE of Cumberland, DUTREMBLE of York, LACHOWICZ of Kennebec,
LANGLEY of Hancock, Representatives: FREY of Bangor, MORRISON of South Portland,
TREAT of Hallowell.

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

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

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

12 Upon approval of the discontinuance order by the legislative body, and unless otherwise
13 stated in the order, a public easement shall, in the case of town ways, be retained and all
14 remaining interests of the municipality shall pass to the abutting property owners to the
15 center of the way. For purposes of this section, the words "public easement" shall
16 include, without limitation, an easement for public utility facilities necessary to provide
17 service.

18 A municipality may designate that a town way or public easement be held for public
19 purposes other than highway purposes, including recreational purposes, by an affirmative
20 vote of the legislative body of the municipality within which the town way or public
21 easement lies.

22 **SUMMARY**

23 This bill allows a municipality to designate a town way or public easement be held
24 for public purposes other than highway purposes, including recreational purposes, by an
25 affirmative vote of the legislative body of the municipality within which the town way or
26 public easement lies.