

MAINE STATE LEGISLATURE

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Date: 3/29/24

(Filing No. S-622)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 982, L.D. 2264, "An Act to Further Clarify the Meaning of "Private Road" and "Public Easement" in Certain Provisions of Maine Law"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Use of Public Equipment on Public Easements'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 23 MRSA §3036, sub-§5, as enacted by PL 2021, c. 743, §2, is amended to read:

5. Meetings. The commission shall meet at least 3 times, but may meet no more than 6 12 times, each year.

Sec. 2. 23 MRSA §3105-A, first ¶, as enacted by PL 2009, c. 501, §2, is amended to read:

The ~~inhabitants~~ legislative body of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use ~~its~~ the town's or village corporation's highway equipment on private ways within such town or village corporation to plow, maintain or repair those private ways to the extent directed by the legislative body and whenever such municipal officers or assessors consider it advisable in the best interest of the town or village corporation for fire and police protection.

Sec. 3. Commission focus. The Maine Abandoned and Discontinued Roads Commission, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 83-A, shall consider, in addition to matters it is required to consider by statute, the following and shall include recommendations on these matters in the February 1, 2025 report required under Title 23, section 3036, subsection 11:

1. The scope of public use allowed on a public easement over an abandoned or discontinued road, the need or justification for each type of use, the impact of the public

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 982, L.D. 2264 (S. 622)

- 1 use on abutting property owners and ways to reduce the negative impacts on abutting
2 property owners;
- 3 2. Property owner liability, including personal injury, property damage and
4 environmental damage liability resulting from public use of an abandoned or discontinued
5 road;
- 6 3. Options to create a road inventory of abandoned and discontinued roads in the State;
7 and
- 8 4. Options to create a right-of-way template for property owners to use when a local
9 unit of government considers discontinuing the road abutting a property owner's property.'
- 10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
11 number to read consecutively.

12 **SUMMARY**

13 This amendment replaces the bill and changes the title. It clarifies that a legislative
14 body of a town or village corporation may authorize the use of the town's or village
15 corporation's highway equipment to plow, maintain or repair private ways, otherwise
16 known as public easements. It allows the Maine Abandoned and Discontinued Roads
17 Commission to meet up to 12 times per year and directs the commission to consider the
18 scope of property owner liability and public use of public easements, property owner
19 liability on public easements, the benefits and costs of a road inventory and creating a right-
20 of-way template for property owners of land along an abandoned or discontinued road.

21 **FISCAL NOTE REQUIRED**

22 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 2264

LR 3069(02)

An Act to Further Clarify the Meaning of "Private Road" and "Public Easement" in Certain Provisions of Maine Law

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-622)
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the various agencies that serve on the Abandoned and Discontinued Roads Commission to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.