

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 152

S. P. 364.

In Senate, Feb. 8, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Amend Chapter One Hundred and Ten of Re-
vised Statutes Relating to Easements.

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

Section 1. Section twelve of chapter one hundred and ten
2 of the revised statutes is hereby amended by inserting after
3 the word "person" in the first line, the words, 'class of per-
4 sons or the public' and by striking out all of said section
5 after the word "years" in the fourth line and inserting in
6 place thereof the following: 'If a person apprehends that
7 a right of way or other easement in or over his land may
8 be acquired by custom, use or otherwise by any person,

9 class of persons, or the public, he may give public notice
10 of his intention to prevent the acquisition of such easement
11 by causing a copy of such notice to be posted in some con-
12 spicuous place upon the premises for six successive days
13 and such posting shall prevent the acquiring of such ease-
14 ment by use for any length of time thereafter; or he may
15 prevent a particular person or persons from acquiring
16 such easement by causing an attested copy of such notice
17 to be served by an officer qualified to serve civil process
18 upon him or them in hand or by leaving it at his or their
19 dwelling house, or if the person to whom such notice is
20 to be given is not in the state such copy may be left with
21 the tenant or occupant of the estate, if any; if there is no
22 such tenant or occupant, such notice shall be posted for
23 six successive days in some conspicuous place upon such
24 estate. Such notice from the agent, guardian or conserva-
25 tor of the owner of land shall have the same effect as a
26 notice from the owner himself. A certificate, by an officer
27 qualified to serve civil process, that such copy has been
28 served or posted by him as above provided, if made upon
29 original notice and recorded with it, within three months
30 after the service or posting, in the registry of deeds for the
31 county or district in which the land lies, shall be conclusive
32 evidence of such service or posting' so that said section, as
33 amended, shall read as follows:

'Sect. 12. No person, class of persons or the public shall
2 acquire a right of way, or other easement from, in, upon

3 or over, the land of another by the adverse use and enjoy-
4 ment thereof, unless it is continued uninterruptedly for
5 twenty years; if a person apprehends that a right of way
6 or other easement in or over his land may be acquired by
7 custom, use or otherwise by any person, class of persons,
8 or the public, he may give public notice of his intention to
9 prevent the acquisition of such easement by causing a copy
10 of such notice to be posted in some conspicuous place upon
11 the premises for six successive days and such posting shall
12 prevent the acquiring of such easement by use for any
13 length of time thereafter; or he may prevent a particular
14 person or persons from acquiring such easement by caus-
15 ing an attested copy of such notice to be served by an offi-
16 cer qualified to serve civil process upon him or them in
17 hand or by leaving it at his or their dwelling house, or, if
18 the person to whom such notice is to be given is not in
19 the state such copy may be left with the tenant or occu-
20 pant of the estate, if any; if there is no such tenant or oc-
21 cupant, such notice shall be posted for six successive days
22 in some conspicuous place upon such estate. Such notice
23 from the agent, guardian or conservator of the owner of
24 land shall have the same effect as a notice from the owner
25 himself. A certificate, by an officer qualified to serve civil
26 process, that such copy has been served or posted by him
27 as above provided, if made upon original notice and re-
28 corded with it, within three months after the service or
29 posting, in the registry of deeds for the county or district

30 in which the land lies, shall be conclusive evidence of such
31 service or posting.'

Sect. 2. Section thirteen of chapter one hundred and ten
2 of the revised statutes is hereby repealed.

Sect. 3. Section fourteen of chapter one hundred and ten
2 of the revised statutes is hereby amended by striking out
3 the words, "as hereinafter stated" in the eighth line and
4 inserting in place thereof the words, 'as provided in section
5 twelve,' so that said section, as amended, shall read as fol-
6 lows:

'Sect. 14. No right of way or other easement existing in,
2 upon, over or through the land of another, shall be ex-
3 tinguished by the adverse construction thereof, unless such
4 adverse construction has been continued uninterruptedly
5 for twenty years; and a notice in writing given by the
6 owner of such right of way or other easement to the per-
7 son whose land is subject thereto, setting forth said owner's
8 intention to contest the extinguishment of such right of
9 way or other easement, and duly served and recorded as
10 provided in section twelve, shall be deemed an interruption
11 of such obstruction and prevent the extinguishment of such
12 right of way or other easement.'

Sect. 4. Section fifteen of chapter one hundred and ten
2 of the revised statutes is hereby repealed.