

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FOURTH LEGISLATURE**

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**Senate Document**

**No. 350**

S. P. 682

In Senate, March 14, 1929.

Reported by Senator Weeks of Somerset from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

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**STATE OF MAINE**

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

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AN ACT to Amend Chapter One Hundred and Ten of Revised Statutes, Relating to Easements.

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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 4 persons 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 easement by causing an attested copy of such notice  
17 served by an officer qualified to serve civil process upon  
18 him or them in hand or by leaving it at his or their dwell-  
19 ing house, or if the person to whom such notice is to be  
20 given is not in the state such copy may be left with the  
21 tenant or occupant of the estate, if any; if there is no such  
22 tenant or occupant, a copy of such notice shall be posted  
23 for six successive days in some conspicuous place upon  
24 such estate. Such notice from the agent, guardian or  
25 conservator of the owner of land shall have the same effect  
26 as a notice from the owner himself. A certificate, by an  
27 officer qualified to serve civil process, that such copy has  
28 been served or posted by him as above provided, if made  
29 upon original notice and recorded with it, within three  
30 months after the service or posting, in the registry of  
31 deeds for the county or district in which the land lies,  
32 shall be conclusive evidence of such service or posting' so  
33 that said section, as 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  
16 officer qualified to serve civil process upon him or them  
17 in hand or by leaving it at his or their dwelling house,  
18 or, if the person to whom such notice is to be given is not  
19 in 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  
21 occupant, a copy of such notice shall be posted for six  
22 successive days in some conspicuous place upon such estate.  
23 Such notice from the agent, guardian or conservator of  
24 the owner of land shall have the same effect as a notice  
25 from the owner himself. A certificate, by an officer quali-  
26 fied to serve civil process, that such copy has been served  
27 or posted by him as above provided, if made upon original  
28 notice and recorded with it, within three months after the  
29 service or posting, in the registry of deeds for the county

30 or district in which the land lies, shall be conclusive evidence  
31 of such 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  
2 ten of the revised statutes is hereby amended by striking out  
3 the words, "as hereinafter stated" in the eighth line a  
4 inserting in place thereof the words, 'as provided in sec  
5 tion twelve,' so that said section, as amended shall read as  
6 follows:

'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 obstruction thereof, unless such  
4 adverse obstruction has been continued uninterruptedly for  
5 twenty years; and a notice in writing given by the owner  
6 of such right of way or other easement to the person whose  
7 land is subject thereto, setting forth said owner's intention  
8 to contest the extinguishment of such right of way or other  
9 easement, and duly served and recorded as provided in  
10 section twelve, shall be deemed an interruption of such  
11 obstruction and prevent the extinguishment of such right  
12 of way or other easement.'

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