

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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sition of such a right or interest.

Sections 3031 to 3034 shall be liberally construed to affect the legislative purpose of enhancing the merits of title to land by eliminating the possibility of ancient claims to proposed, unaccepted, unconstructed ways that are outstanding on the record but unclaimed.

Sec. 3. 33 MRSA §460, as amended by PL 1975, c. 416, is repealed and the following enacted in its place:

§460. Conveyance of land abutting a road or way

A conveyance of land which abuts a town or private way, county road, highway or proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds shall be deemed to convey all of the grantor's interest in the portion of the road or way which abuts the land, except:

1. Proposed, unaccepted ways. With respect to a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds, those rights provided to owners of other lots in the subdivision by Title 23, section 3031; and

2. All roads and ways. With respect to a town or private way, county road or highway, an easement of access necessary to provide ingress and egress to property adjoining the town or private way, county road or highway which shall be preserved, unless the grantor expressly reserves his title to the road or way by a specific reference to the road or way contained in the conveyance.

Sec. 4. 33 MRSA §469-A is enacted to read:

§469-A. Title to proposed, unaccepted ways

1. Reservation of title. Any conveyance made before the effective date of this section which conveyed land abutting upon a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds shall be deemed to have conveyed all of the grantor's interest in the portion of the way which abuts the land conveyed, unless the grantor expressly reserved his title to the way by a specific reference to this reservation in the conveyance of the land.

2. Intent to reserve. Any grantor who, before the effective date of this section, conveyed land abutting a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds with the intent to reserve title to the way, but who did not expressly reserve title to the way as required in subsection 1, or any person who claims title to the way by, through or under the grantor, may preserve the grantor's claim by recording the notice set forth in subsection 3, in the registry of deeds where the pertinent subdivision plan is recorded, within 2 years after the effective date of this section.

3. Notice. The notice required under subsection 2

shall contain:

A. An intelligible description of the way or portion of a way in which title is being claimed;

B. The name and address of the person on whose behalf the title is being claimed;

C. A description, including specific reference, by date of recording and the volume and page numbers, to that conveyance, of the recorded instrument in which the person claims title to the way or portion of the way which was intended to be reserved; and

D. A duly verified oath taken by the person claiming title before a person authorized to administer oaths.

4. Register's duties. The register of deeds shall enter upon the margin of the recorded conveyance, described in the notice under subsection 3, paragraph C, the volume and page numbers where the notice is recorded.

The register of deeds may charge the same fee for recording the notice that is charged for recording deeds.

5. Who may present notice for recording. The notice required under subsection 2 may be presented for recording by the person claiming title or a person acting on his behalf. Disability or lack of knowledge by the person claiming title shall not extend the time limitations related to the recording of the notice.

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.

7. Action to establish title. In any action concerning title to a proposed, unaccepted way, the burden of proof concerning the grantor's intent to reserve title shall be on the grantor or those claiming title by, through or under the grantor.

8. Construction of laws. Nothing contained in this section may be construed to extend the period for the bringing of an action or for the doing of any other required act under any statute of limitations.

This section shall be liberally construed to affect the legislative purpose of clarifying the title to land underlying proposed, unaccepted ways by eliminating the possibility of ancient claims.

Effective September 29, 1987.

CHAPTER 386

H.P. 1299 — L.D. 1777

**AN ACT to Clarify and Limit Personal
Liability of Volunteer Firemen and
Volunteer Ambulance Drivers.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, nonprofit incorporated ambulance and fire services are vitally important to the health and well-being of the people of this State, particularly in rural areas; and

Whereas, these services are quasi-governmental in nature and similar to fire protection and other governmental services; and

Whereas, the Maine Tort Claims Act does not clearly cover these services; and

Whereas, clear coverage of these services by the Maine Tort Claims Act is essential to limit the liability of these services and assist them in procuring necessary insurance; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 1977, c. 696, §165, is further amended to read:

1. **Employee.** "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials, volunteer firefighters as defined in Title 30, section 3771, ~~rescue squad members where the rescue squad receives full or partial financial support from political subdivisions; emergency medical service personnel and Maine National Guardsmen while in active state service under Title 37-A, sections 57 and 207 and while engaged in the Domestic Action Program, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.~~

Sec. 2. 14 MRSA §8102, sub-§1-A is enacted to read:

1-A. **Emergency medical service.** "Emergency medical service" means a nonprofit, incorporated ambulance service or first responder service licensed under Title 32, chapter 2-B, receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30, chapter 203 or 204-A, except when the emergency medical

service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30, chapter 203 or 204-A.

Sec. 3. 14 MRSA §8102, sub-§3, as amended by PL 1985, c. 765, §3, is further amended to read:

3. **Political subdivision.** "Political subdivision" means any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30, chapters 203 and 204-A, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district and, school district of any type, any volunteer fire association as defined in Title 30, section 3771 and any emergency medical service.

Sec. 4. 30 MRSA §3775, sub-§1, as enacted by PL 1973, c. 680, §5, is repealed.

Sec. 5. 30 MRSA §3776, as enacted by PL 1973, c. 680, §5, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 22, 1987.

CHAPTER 387

S.P. 604 — L.D. 1779

AN ACT Relating to Significant Energy Agreements and Contracts by Electric Utilities.

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

Sec. 1. 35-A MRSA §3132, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6. **Commission order; certificate of public convenience.** In its order, the commission shall make specific findings with regard to the need for the proposed facilities. If the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the facilities. If the commission orders or allows the erection of the facilities, the order shall be subject to all other provisions of law and the right of any other agency to approve the facilities. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the utility to erect or construct was prudent.

Sec. 2. 35-A MRSA §3132, sub-§11 is enacted to read:

11. **Amendments, extensions and renewals.** This section applies to any amendment, extension or renewal of any contract between the utility and other parties with an ownership interest, governing the terms of their