

"public easement"

STATUTORY DEFINITION

Title 23, §3021: Definitions (ch. 304, Acquisition of Property for Highway Purposes)

Sub-§2. Public easement. "Public easement" means an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976. Private ways created pursuant to former sections 3001 and 3004 prior to July 29, 1976 are public easements.

Title 17, §3853-D: Operating a motor vehicle on land of another (ch. 127, Trespass)

Sub-§3, ¶C. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2.

Title 33, §191: Definitions (Nonresidential Property Disclosures)

Sub-§2. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2.

COMMON LAW DEFINITION

“An ‘easement’ is a nonpossessory right to enter and use land in the possession of another and obligates the possessor not to interfere with the uses authorized by the easement.” *Marvin M. Brandt Revocable Tr. v. United States*, 572 U.S. 93 (2014), cited by *Testa's, Inc. v. Coopersmith*, 2014 ME 137, ¶ 12, 105 A.3d 1037, 1042.

"right of way"

STATUTORY DEFINITION

Title 29-A §2322. Definitions (Motor Vehicles)

Sub-§9. Public roadway. "Public roadway" means a right-of-way under the jurisdiction and control of the State or a local political subdivision of the State for the use primarily by motor vehicular traffic.

Title 33 §458: Easements or Rights-Of-Way; Installation of Utility Services (Property)

Sub-§2, ¶ A. "Easement or right-of-way" means the right of a person to pass over the land of another person.

[Title 38, §952: Definitions](#) (Waters and Navigation)

Sub-§15. Public right-of-way. "Public right-of-way" is an improved roadway maintained for passage by motor vehicles in which the owner of fee does not control the right of passage."

LEGAL DEFINITION

Right of way is "the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another", or "a path or thoroughfare subject to such a right"