

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Discontinued Town Ways

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

Sec. 1. 23 MRSA §3026, sub-§1, as enacted by PL 1981, c. 683, §1, is amended to read:

1. General procedures. A municipality may terminate in whole or in part any interests held by it for highway purposes. A municipality may discontinue a town way or public easement after the municipal officers have given best practicable notice to all abutting property owners and the municipal planning board or office and have filed an order of discontinuance with the municipal clerk that specifies the location of the way, the names of abutting property owners, the restrictions, if any, on the easement pursuant to subsection 3 and the amount of damages, if any, determined by the municipal officers to be paid to each abutter.

Upon approval of the discontinuance order by the legislative body, and unless otherwise stated in the order, a public easement ~~shall~~must, in the case of town ways, be retained and all remaining interests of the municipality ~~shall~~ pass to the abutting property owners to the center of the way. For purposes of this section, the words "public easement" ~~shall~~ include, without limitation, an easement for public utility facilities necessary to provide service.

Sec. 2. 23 MRSA §3026, sub-§3 is enacted to read:

3. Restrictions on the public easement. The municipal officers may propose restrictions on the use of the public easement on a discontinued way by describing the restrictions in the order of discontinuance prepared for approval by the legislative body. Restrictions may include, but are not limited to, seasonal, time of day and motorized vehicle limitations. Subsequent revision of approved restrictions must be adopted pursuant to subsection 1.

SUMMARY

Under existing law, a public easement is retained on discontinued town ways. This bill authorizes municipal officers to propose placing restrictions on the public easement, such as limiting motorized vehicle traffic, as part of the discontinuance order approved by the local legislative body.