

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

Amend the amendment by inserting after the enacting clause the following:

‘**Sec. 1. 17 MRSA §3853-E** is enacted to read:

§ 3853-E. Damage to public easement; discontinued or abandoned road

1. Definitions. For the purposes of this section, the following terms have the following meanings.

A. "Damage to a road" means damage to a road in a way that impedes reasonable access by motor vehicle to a property owner's property abutting the road.

B. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.

2. Damage to roads. A person who causes damage to a road that has been discontinued or abandoned pursuant to Title 23, chapter 304 but in which a public easement exists commits a Class E crime.

3. Application. This section does not apply to:

A. A landowner operating a motor vehicle on land owned by that landowner;

B. A person given permission by a landowner to operate a motor vehicle on land owned by that landowner; or

C. A law enforcement officer who, in an emergency and in the scope of that law enforcement officer's employment, operates a motor vehicle on land owned by another.

4. Restitution. When appropriate, the court may order restitution in accordance with Title 17-A, chapter 54 for damage to a road.’

Amend the amendment in section 5 by striking out all of the first line (page 2, line 9 in amendment) and inserting the following:

‘**Sec. 5. 23 MRSA §3026-A** is enacted to read:’

Amend the amendment in section 5 by striking out all of §3026-B (page 3, lines 19 to 35 in amendment)

Amend the amendment in section 7 in subsection 1 in the first line (page 4, line 26 in amendment) by striking out the following: "It Except as provided by subsection 1-A, it" and inserting in its place the following: 'It'

Amend the amendment by striking out all of sections 8 and 9 and inserting the following:

‘**Sec. 8. 23 MRSA §3028, sub-§5** is enacted to read:

5. Filing. If after the effective date of this subsection the municipal officers or a court determines that a town way has been abandoned pursuant to subsection 1, the municipal clerk shall file a record of this determination with the registry of deeds, the Department of Transportation and the municipality. The register of deeds shall record a document regarding an abandoned town way under the name of the town way, the name of the municipality and the names of the abutters.'

Amend the amendment by striking out all of section 12 (page 6, lines 1 to 11 in amendment) and inserting the following:

'Sec. 12. Municipalities authorized to develop road inventories. To the extent data are available, municipalities working collaboratively with the Department of Transportation may develop comprehensive road inventories identifying all town ways, abandoned town ways and discontinued town ways or any segments of those town ways, abandoned town ways and discontinued town ways.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A." The amendment:

1. Strikes the provision in the committee amendment that requires a municipality to go through a discontinuance procedure in the 21st year after a discontinuance certificate was originally filed;
2. Removes the provision in the committee amendment that as of January 1, 2015 the new discontinuance process will be the only means to terminate any interests held by a municipality for highway purposes;
3. Requires determinations by municipal officers or a court that a town way has been abandoned to be recorded with the registry of deeds, the Department of Transportation and the municipality. The committee amendment requires recordation of determinations only by the municipal officers;
4. Strikes the provision in the committee amendment that required municipalities to develop lists of town ways by January 1, 2016. This amendment instead authorizes municipalities to work collaboratively with the Department of Transportation to develop comprehensive road inventories; and
5. Provides that a person who causes damage to a discontinued or abandoned road in which a public easement exists commits a Class E crime.