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An Act Pertaining to the Closing of Municipal Roads for Community Use

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~~discontinue in whole or in part any interests held by it for highway purposes or may designate other public purposes for which the interests are held, including recreational 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 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, 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.

A municipality may designate that a town way or public easement be held for public purposes other than highway purposes, including recreational purposes, by an affirmative vote of the legislative body of the municipality within which the town way or public easement lies.

SUMMARY

This bill allows a municipality to designate a town way or public easement be held for public purposes other than highway purposes, including recreational purposes, by an affirmative vote of the legislative body of the municipality within which the town way or public easement lies.