

§3029-A. Damage to public easement; cause of action

1. Cause of action. An owner of property abutting a discontinued or abandoned road in which a public easement exists may bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road in a manner that impedes reasonable access by the property owner to the property owner's property by motor vehicle as defined in Title 29-A, section 101, subsection 42.

[PL 2015, c. 464, §8 (NEW).]

2. Damages. Damages may be sought pursuant to subsection 1 in an amount reasonably necessary to restore the road to its condition prior to the use by the person against whom the action is brought.

[PL 2015, c. 464, §8 (NEW).]

3. Attorney's fees and costs. If the plaintiff under subsection 1 is the prevailing party, the plaintiff may be awarded reasonable attorney's fees and costs.

[PL 2015, c. 464, §8 (NEW).]

4. Application. This section does not apply to:

A. A law enforcement officer who, in an emergency and within the scope of that law enforcement officer's employment, operates a motor vehicle on a public easement; or [PL 2015, c. 464, §8 (NEW).]

B. An emergency responder who, in an emergency and while performing the duties of an emergency responder, operates a motor vehicle on a public easement. [PL 2015, c. 464, §8 (NEW).]

[PL 2015, c. 464, §8 (NEW).]

SECTION HISTORY

PL 2015, c. 464, §8 (NEW).

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