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# Maine Roads and Easements
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Although the Maine Law Court has not specifically addressed this issue, under the common law generally recognized by most states an easement holder may use an appurtenant easement only for the benefit of the appurtenant parcel.[108] The easement holder may not use the appurtenant easement indiscriminately to serve non-appurtenant parcels. Unless there is express wording to the contrary, appurtenant easements may not be used to serve property not appurtenant to the easement.[109] Any use of the appurtenant easement to enjoy another parcel, even by the owner of the appurtenant property (dominant estate) attempting to reach another adjacent(but non-appurtenant) parcel, is a trespass on the servient estate. [110]
This restriction has led to problems since many landowners incorrectly assume they can use an easement appurtenant to one of their parcels for the benefit of another contiguous parcel they own.

The courts have cited at least two situations in which the use of an appurtenant easement is limited strictly to benefit the appurtenant parcel. In one such situation, the original grantor has not contemplated the unlimited and indiscreet extension of the easement to other parcels.[111] In the second situation, the use, however slight, of an appurtenant easement to benefit other non-appurtenant parcels places an additional burden on the servient estate."[112]

*107*. See, e.g., Cleaves v. Braman, 103 Me. 154, 161, 68 A. 857, 860 (1907).

*108*. The issue was addressed once at the superior court level and decided accord-ing to the common law. See Adam v. Reiche, CV-89-1413, (Me. Super. Ct. Cum. Cty., Feb. 28, 1995) (Brennan, J.)

*109*. In Kanefsky v. Dratch Constr. Co., 101 A.2d 923 (Pa. 1954) the Penn-sylvania Supreme Court said:

> It is elementary law that an easement cannot be extended by the owner of the dominant tenement to other land owned by him adjacent to or beyond the land to which it is appurtenant. for such an extension would constitute an unreasonable increase of the burden of the servient tenement.

Id. at 926 (footnote omitted); Cooper v. Sawyer, 405 P.2d 394, 401 (Haw. 1965) ("The principles of law involved are well settled and do not appear to be disputed. The owner of the dominant tenement ... may not subject the servient tenement... to servitude or use in connection with other premises to which the easement is not appurtenant."). See also Kiser v. Warner Robins Air Park Estates, 228 SE.2d 795, 797 (Ga. 1976); Curtin v. Franchetti, 242 A.2d 725, 727 (Conn. 1969). But see National Lead Co. v. Kanawha Block Co., 409 F.2d 1309 (4th Cir. 1969).

*110*. Wetmore v. Ladies of Loretto, Wheaton, 220 N.E.2d 491, 496 (I11. App. Ct. 1966); College Inns of Am. v. Cully, 460 P.2d 360 (Or. 1969); Bickler v. Bickler, 403 S.W.2d 354 (Tex. 1966). But see National Lead Co. v. Kanawha Block Co., 409 F.2d at 1310 (the landowner was deprived of his access and had to use an easement serving one parcel to reach the other)

*111*. Buckler v. Davis Sand & Gravel Corp., 158 A.2d 319, 323 (Md. 1960).

*112*. Plunkett v. Weddington, 318 S.W.2d 885,888 (Ky. Ct. App. 1958); Nielson v. Sandberg, 141 P.2d 696, 701 (Utah 1943).