

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

S.P. 982 - L.D. 2264

An Act to Clarify the Use of Public Equipment on Public Easements

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

Sec. 1. 23 MRSA §3036, sub-§5, as enacted by PL 2021, c. 743, §2, is amended to read:

5. Meetings. The commission shall meet at least 3 times, but may meet no more than 6 12 times, each year.

Sec. 2. 23 MRSA §3105-A, first ¶, as enacted by PL 2009, c. 501, §2, is amended to read:

The ~~inhabitants~~ legislative body of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use its the town's or village corporation's highway equipment on private ways within such town or village corporation to plow, maintain or repair those private ways to the extent directed by the legislative body and whenever such municipal officers or assessors consider it advisable in the best interest of the town or village corporation for fire and police protection.

Sec. 3. Commission focus. The Maine Abandoned and Discontinued Roads Commission, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 83-A, shall consider, in addition to matters it is required to consider by statute, the following and shall include recommendations on these matters in the February 1, 2025 report required under Title 23, section 3036, subsection 11:

1. The scope of public use allowed on a public easement over an abandoned or discontinued road, the need or justification for each type of use, the impact of the public use on abutting property owners and ways to reduce the negative impacts on abutting property owners;
2. Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned or discontinued road;
3. Options to create a road inventory of abandoned and discontinued roads in the State; and

4. Options to create a right-of-way template for property owners to use when a local unit of government considers discontinuing the road abutting a property owner's property.