

Agenda

Boundary Law

J. Shumadine

Understanding basic principles of boundary law

- Determine the intent of the grantor
- Follow the steps of the original surveyor

Evaluating boundary evidence

- Legal descriptions, natural monuments, artificial monuments, adjoining boundaries, surveys and maps, statements and testimony

Resolving boundary disputes

Understanding Riparian and Water Rights

B. Leoni

History and development of riparian rights

The Colonial Ordinance's effects on boundaries

Surveying tips to reduce ambiguity

Determining access rights to surface waters

Overview of regulations restricting access to and use of surface water and groundwater

The Law of Easements

J. Shumadine

Understanding the legal concept of easements

- Types of easements

Creating easements

- Drafting easements

Terminating easements

Understanding conservation easements

Understanding Adverse Possession/Prescriptive Easements

B. Leoni

The history of adverse possession and prescriptive easements

Statutory law vs. common law

Case law on adverse possession and prescriptive easements

Comparison to boundary by acquiescence

Maintaining a claim for adverse possession and prescriptive easements

- Statute of limitations
- Elements of a claim

Defending against a claim for adverse possession

Helpful pointers for surveyors

Eminent Domain and Condemnation Law

M. Bosse

Understanding eminent domain powers

- Source of eminent domain powers
- History of the exercise of eminent domain powers
- Types of eminent domain "takings"

Participating in the condemnation process

Appealing a condemnation decision

Understanding regulatory "takings" and inverse condemnation

Land Laws for Civil Engineers and Land Surveyors
Portland, ME - Tuesday, February 27, 2018

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Learning Objectives

You'll be able to:

Identify how to evaluate boundary evidence.

Discuss regulations restricting access to and use of surface water and groundwater.

Explore the process of creating easements.

Learn to defend against claims for adverse possession or prescriptive easements.

Examine eminent domain powers, and understand regulatory takings and inverse condemnation.



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Evaluate boundary evidence, including adjoining boundaries

Determine access rights to surface waters

Understand the legal nature of easements and learn how they are created and terminated

Study case law on adverse possession and prescriptive easements

Learn about eminent domain and the condemnation process

Continuing Education Credits

This seminar offers 6.5 PDHs to Maine professional engineers and land surveyors.



Faculty

John Shumadine *Partner with Murray Plumb & Murray in Portland*
Mr. Shumadine represents abutters, developers and towns in connection with all land use issues, from shoreland zoning, to Department of Environmental Protection regulations, to subdivision concerns. He has represented developers seeking subdivision, site plan, building permit and other approvals; landowners challenging proposed abutting development or rezoning, as well as those seeking tax abatements; and towns seeking zoning, subdivision and other land use advice. Mr. Shumadine’s practice also focuses on more general disputes involving land and roads, both public and private. He has extensive experience addressing zoning, subdivision and other similar issues before Maine’s Land Use Regulation Commission and presenting arguments before planning and zoning boards, as well as the Superior Court and Law Court. Mr. Shumadine is a member of the Maine State, Cumberland County and American Bar Associations.

Ben Leoni *Attorney, Curtis Thaxter in Portland*
Mr. Leoni focuses on land use and general civil litigation. Since 2011, he has represented clients in some of Maine’s largest boundary and water access and water rights cases. Mr. Leoni was co-counsel for landowners in the first phase of *Almeder et al. v. Town of Kennebunkport*, known as the “Goose Rocks Beach case,” which dealt with claims for prescriptive easements and easement by custom. He is currently lead counsel in the second phase of the Goose Rocks Beach case, which deals with water boundary descriptions tracing back to the mid-1600s. Mr. Leoni also successfully represented coastal owners against public prescriptive claims in what is known as the “Cedar Beach” case in Harpswell and he currently represents Acadian Seaplants, a seaweed harvesting company, in a landmark case concerning whether the public has the right to harvest living intertidal seaweed from the intertidal zone. He regularly handles boundary dispute claims, including adverse possession claims. Mr. Leoni earned his B.A. degree from Bates College in 2005 and his J.D. degree, *magna cum laude*, from Vermont Law School in 2011.

Michael Bosse *Attorney, Bernstein Shur in Portland*
After clerking for Maine Supreme Court Justice Robert Clifford for a year after law school, Mr. Bosse dove straight into construction law, defending architects and engineers in construction cases at a small Portland insurance defense firm. Since joining Bernstein Shur a decade and a half ago, Mr. Bosse has had the pleasure of representing the full panoply of participants construction projects: developers, owners, general contractors, subcontractors, suppliers, lenders, and sureties in everything from contract negotiation and administration to construction claims, collection efforts and litigation. He has quickly grown to the chair of the firm’s Construction Practice Group, building his practice into a truly regional one, covering primarily Maine, Massachusetts and New Hampshire. Mr. Bosse also has had experience with eminent domain matters, including litigation at the State Claims Commission, the trial courts in Maine and the Maine Supreme Court. In service to his firm, he ran for and was elected to the firm’s Compensation Committee and has served for the past five years in that capacity, and he also serves as the co-chair for the Litigation Practice Group.

Seminar Information

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Continuing Education Credit Information

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Engineers and land surveyors seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

Attendance will be monitored and reported, as required. Attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

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Additional Learning

February Webinar Series

Building Operations and Efficiency

- **Identifying Energy Efficiency Opportunities in Major Renovations**
Thurs., Feb. 1, 2018, 11:00 AM - 12:30 PM CST
- **Integration of “Energy Modeling” in the Design of High Performance Buildings**
Thurs., Feb. 1, 2018, 1:00 - 2:30 PM CST
- **High Efficiency Building Design Standards**
Fri., Feb. 2, 2018, 11:00 AM - 12:30 PM CST
- **Commissioning and Operation of High Performance Buildings**
Fri., Feb. 2, 2018, 1:00 - 3:00 PM CST

NFPA 70E

- **NFPA 70E, Part I**
Thurs., Feb. 8, 2018, 11:00 AM - 3:30 PM CST
- **NFPA 70E, Part II**
Fri., Feb. 9, 2018, 11:00 AM - 3:30 PM CST

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Registration

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