

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 448

H.P. 332

House of Representatives, January 14, 1999

An Act Regarding the Maintenance of Private Roads.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: GAGNE of Buckfield, GAGNON of Waterville, McKEE of Wayne,
STEVENS of Orono.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 23 MRSA §3101**, as amended by PL 1997, c. 682, §1, is
5 further amended to read:

6 **§3101. Call of meetings; repairs**

7 Except as provided in this section, when 4 or more parcels
8 of land are benefited by a private way or bridge as an
9 appurtenant easement or by fee ownership of the way or bridge,
10 the owners of any 3 or more of the parcels, as long as at least 3
11 of the parcels are owned by different persons, may make written
12 application to a notary public to call a meeting, who may issue a
13 warrant setting forth the time, place and purpose of the meeting,
14 copies of which must be posted at some public place in the town
15 and mailed to the owners of all the parcels benefited by the way
16 at the addresses set forth in the municipal tax records, at least
17 30 days before such time. When so assembled, they may choose a
18 commissioner, to be sworn, and they may determine what repairs
19 are necessary and the materials to be furnished or amount of
20 money to be paid by each owner for the repairs and the manner of
21 calling future meetings. This section does not apply to ways
22 constructed or primarily used for commercial or forest management
23 purposes. As used in this section, "repairs" does not include
24 major improvements such as paving.

25 **Sec. 2. 23 MRSA §3102**, as amended by PL 1997, c. 682, §2, is
26 further amended to read:

27 **§3102. Commissioner's duties; neglect of owners to pay**

28 The commissioner chosen under section 3101, with respect to
29 the way or bridge, has the powers of a road commissioner. If any
30 owner, on requirement of the commissioner, neglects to furnish
31 that owner's proportion of labor, materials or money, the same
32 may be furnished by the other owners and recovered of the owner
33 neglecting to pay in a civil action, together with costs of suit
34 and reasonable attorney's fees. The commissioner may not require
35 any owner to pay for major improvements to the road, such as
36 paving.

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39 **SUMMARY**

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42 Current law requires members of private road associations to
43 determine what repairs need to be made to the road and to pay for
44 those repairs.

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46 This bill specifies that members of private road
47 associations may not be required to pay for major improvements to
48 the road, such as paving.