

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 994

H.P. 641

House of Representatives, March 11, 2025

**An Act Regarding the Enforcement Provisions of the Law
Governing Private Road Maintenance**

Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.
Cosponsored by Senator BAILEY of York.

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

2 **Sec. 1. 23 MRSA §3121, sub-§1**, as enacted by PL 2021, c. 13, §1, is amended to
3 read:

4 **1. Cost sharing.** If more than one property shares a common benefit from a private
5 road, each property owner who shares the common benefit is responsible for a share of the
6 cost of reasonable and necessary repairs to and maintenance of that private road ~~determined~~
7 ~~pursuant to the terms of any agreement entered into to determine the share of the cost of~~
8 ~~reasonable and necessary repairs to and maintenance of the private road, any deed~~
9 ~~restriction, covenant or declaration applicable to the benefited property, any road~~
10 ~~association created pursuant to this chapter or otherwise or any method elected under~~
11 ~~section 3101, when applicable.~~ In the absence of any ~~such~~ agreement, entered into to
12 determine the share of the cost of reasonable and necessary repairs to and maintenance of
13 the private road; deed restriction, covenant, or declaration, applicable to the benefited
14 property; road association established for the private road; or method elected under section
15 3101 to determine the share of the cost of reasonable and necessary repairs to and
16 maintenance of the private road, each residential property owner, after reasonable due
17 process and written notice, shall share equally in the cost of reasonable and necessary
18 repairs to and maintenance of the private road when the private road is the primary means
19 of access to the benefited property. For purposes of this section, each residential property
20 may be assessed only one share toward the collective cost of repairs and maintenance
21 regardless of whether there are multiple owners of record for one property.

22 **Sec. 2. 23 MRSA §3121, sub-§3**, as enacted by PL 2021, c. 13, §1, is amended to
23 read:

24 **3. Enforcement.** If a residential property owner fails to pay that owner's share of the
25 cost of reasonable and necessary repairs to and maintenance of the private road in
26 accordance with subsection 1, the payment is delinquent if not paid within 30 days after a
27 demand in writing, a legal claim which must contain the name of the vendor, the purpose
28 of the repair or maintenance and the date the vendor was paid and must be delivered to that
29 owner at the address set forth in the municipal tax records, and a civil action for payment
30 of the amount owed together with interest from the date of the written demand for payment,
31 filing fees and other costs of collection including reasonable attorney's fees may be brought
32 against that owner by a residential property owner or owners who share a common benefit
33 in the road, either jointly or severally.

34 **SUMMARY**

35 This bill provides that if a residential property owner fails to pay that owner's share of
36 the cost of reasonable and necessary repairs to and maintenance of a private road, the
37 payment is delinquent if not paid within 30 days after a demand in writing, which must
38 contain the name of the vendor, the purpose of the repair or maintenance and the date the
39 vendor was paid and must be delivered to that owner at the address set forth in the municipal
40 tax records, and a civil action for payment of the amount owed together with interest from
41 the date of the written demand for payment, filing fees and other costs of collection
42 including reasonable attorney's fees may be brought against that owner by a residential
43 property owner or owners who share a common benefit in the road, either jointly or
44 severally.