MAINE STATE LEGISLATURE

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(New Draft of H.P. 702, L.D. 996) (New Title) FIRST REGULAR SESSION
ONE HUNDRED AND TWELFTH LEGISLATURE
Legislative Document No. 1592
H.P. 1098 House of Representatives, May 28, 1985
Reported by Representative Murphy from the Committee on Local and County Government and printed under Joint Rule 2. Original bill presented by Representative Rolde of York.
EDWIN H. PERT, Clerk
STATE OF MAINE
IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FIVE
AN ACT to Allow the Town of York to Repair Private Roads Within Subdivisions.
Be it enacted by the People of the State of Maine as follows:
Sec. 1. Authorization. The Town of York is authorized to perform work on private roads within town approved subdivisions, subject to the provisions of this Act, for the purpose of bringing those roads into conformity with the road standards adopted by the town. A private road is defined as a road which has never been accepted by the town's legislative body as a town way, private way or a public easement and over which the general public has no legal right of access.
Sec. 2. Petition by abuttors. Two thirds of the owners of property abutting a private road within a subdivision in the Town of York may petition the town

- to perform work which brings the road, or any portion of the road, into conformity with the road standards adopted by the town by ordinance or subdivision regulations. The municipal officers shall present such a petition for consideration by the legislative body only if all of the following requirements have been met:
- 8 1. The petition is presented at least 35 days 9 prior to the annual budget meeting for consideration 10 at that meeting;

- 2. The petition has been signed by at least 2/3 of the owners of property abutting the private road which is the subject of the petitions; and
- 3. The owners who signed the petition present sufficient proof, which satisfies the municipal officers, that they have a legal right-of-way to the private road.
 - For the purposes of this section, "owner" means the person or persons who hold legal title to the property. If a single individual or group of individuals own more than one piece of property under separate deeds, they are deemed to be a single owner for purposes of this section.

In reaching its decision, the town shall consider the exigency of the request, whether the work is necessary for safety reasons, the town's ability to perform the work and the possibility of successful litigation by the property owners against the subdivider to require him to perform the work. The decision by the municipality shall be final. If the petition is granted, it shall be with the understanding that work required on town ways has priority over any work to be done on private roads. The town does not obligate itself in any way to accept a private road as a town way merely by virtue of the municipality's decision to perform work pursuant to this Act.

Sec. 3. Assessments. When the town has completed the work pursuant to this Act, the municipal officers shall determine what lots or parcels of land are benefited by the road improvements and shall estimate and assess against the owners of the lots or

parcels of land a sum equal to the total actual expenses of the work, including labor, materials, equipment and any related insurance or administrative costs prorated among the owners according to the number of feet the lot or parcel of land borders the road.

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Sec. 4. Collection of assessments. All ments made pursuant to this Act shall be certified by the municipal officers and shall be paid within 30 days after demand, or a special tax may be by the assessors against the land for the amount of the expenses and this amount shall be included in the next annual warrant of the tax collector and shall be collected in the same manner as other state, county and municipal taxes are collected. The Town of York may provide by ordinance for the collection of assessments over a period of time not to exceed 5 years and may implement this collection method if the assessed property owner has agreed to this method writing and notice of this fact has been recorded in the York County register of deeds. The municipal officers shall annually commit to the tax collector a list of installment payments due the town which shall be collected with interest at a rate determined by the town.

Sec. 5. Repeal. Sections 1, 2 and 3 of this Act are repealed on January 1, 1991.

STATEMENT OF FACT

The intent of this new draft is to authorize the Town of York to perform road work on private roads within subdivisions if 2/3 of the property owners abutting the road petition the town. This new draft would not obligate the Town of York to accept a road which it improved; the provisions of the Maine Revised Statutes, Title 23, chapter 304, would still apply.

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