

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 702, L.D. 996)
2 (New Title)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1592

8
9 H.P. 1098

House of Representatives, May 28, 1985

10 Reported by Representative Murphy from the Committee on Local and
11 County Government and printed under Joint Rule 2. Original bill presented
12 by Representative Rolde of York.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT to Allow the Town of York to Repair
20 Private Roads Within Subdivisions.
21

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

24 **Sec. 1. Authorization.** The Town of York is au-
25 thorized to perform work on private roads within town
26 approved subdivisions, subject to the provisions of
27 this Act, for the purpose of bringing those roads in-
28 to conformity with the road standards adopted by the
29 town. A private road is defined as a road which has
30 never been accepted by the town's legislative body as
31 a town way, private way or a public easement and over
32 which the general public has no legal right of ac-
33 cess.

34 **Sec. 2. Petition by abutters.** Two thirds of the
35 owners of property abutting a private road within a
36 subdivision in the Town of York may petition the town

1 to perform work which brings the road, or any portion
2 of the road, into conformity with the road standards
3 adopted by the town by ordinance or subdivision regu-
4 lations. The municipal officers shall present such a
5 petition for consideration by the legislative body
6 only if all of the following requirements have been
7 met:

8 1. The petition is presented at least 35 days
9 prior to the annual budget meeting for consideration
10 at that meeting;

11 2. The petition has been signed by at least 2/3
12 of the owners of property abutting the private road
13 which is the subject of the petitions; and

14 3. The owners who signed the petition present
15 sufficient proof, which satisfies the municipal offi-
16 cers, that they have a legal right-of-way to the pri-
17 vate road.

18 For the purposes of this section, "owner" means the
19 person or persons who hold legal title to the proper-
20 ty. If a single individual or group of individuals
21 own more than one piece of property under separate
22 deeds, they are deemed to be a single owner for pur-
23 poses of this section.

24 In reaching its decision, the town shall consider
25 the exigency of the request, whether the work is nec-
26 essary for safety reasons, the town's ability to per-
27 form the work and the possibility of successful liti-
28 gation by the property owners against the subdivider
29 to require him to perform the work. The decision by
30 the municipality shall be final. If the petition is
31 granted, it shall be with the understanding that work
32 required on town ways has priority over any work to
33 be done on private roads. The town does not obligate
34 itself in any way to accept a private road as a town
35 way merely by virtue of the municipality's decision
36 to perform work pursuant to this Act.

37 **Sec. 3. Assessments.** When the town has com-
38 pleted the work pursuant to this Act, the municipal
39 officers shall determine what lots or parcels of land
40 are benefited by the road improvements and shall es-
41 timate and assess against the owners of the lots or

