

# MAINE STATE LEGISLATURE

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L.D. 1974

DATE: 3-25-98

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1410, L.D. 1974, Bill, "An Act to Require Abutting Landowners to Pay a Fair Share of the Costs of Maintaining a Private Road"

Amend the amendment by striking out everything after the 2nd indented paragraph after the title and before the summary and inserting in its place the following:

'Sec. 1. 23 MRSA §3102 is amended to read:

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

The surveyor chosen under section 3101, with respect to such a way or bridge, has the powers of a road commissioner. For refusing to accept the trust or to take the oath, he the surveyor forfeits \$4, to be recovered as provided in section 3104. If any owner or occupant, on requirement of the surveyor, neglects to furnish his the assessed proportion of labor, materials or money, the same may be furnished by the other owners and occupants and recovered of him the owner or occupant neglecting to pay in a civil action, together with costs of the suit and reasonable attorney's fees.'

**FISCAL NOTE**

This amendment eliminates the potential increase of civil suits and the associated fiscal impact on the court system and General Fund revenue from filing fees.

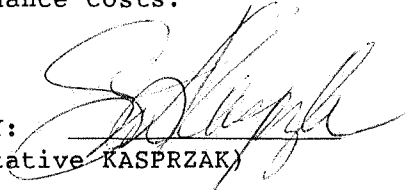
**SUMMARY**

This amendment strikes the committee amendment to keep existing law regarding the mechanism by which property owners on

**HOUSE AMENDMENT**

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1410,  
L.D. 1974

2 roads not maintained by the public can maintain the road and have  
others who have the legal right to use the road share in the  
3 costs of maintenance. It does, however, keep language proposed  
4 in the committee amendment allowing for court costs and  
attorney's fees in connection with any civil action brought for  
5 failure of an owner to pay the assessed proportion associated  
with maintenance costs.

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12 SPONSORED BY:   
(Representative KASPRZAK)

14 TOWN: Newport  
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