

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

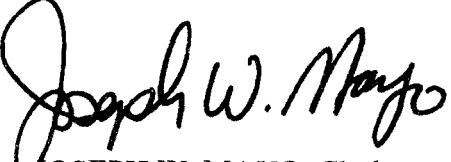
No. 448

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.



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.

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

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

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§3101. Call of meetings; repairs

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

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

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

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

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SUMMARY

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

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

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