

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1459

H.P. 1021

House of Representatives, March 23, 2005

An Act Concerning Payment for Repairs on Private Ways

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BARSTOW of Gorham, MARLEY of Portland.

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

4 **Sec. 1. 23 MRSA §3101**, as amended by PL 1999, c. 552, §1, is
further amended to read:

6 **§3101. Call of meetings; repairs**

8 Except as provided in this section, when 4 or more parcels
of land are benefited by a private way or bridge as an
10 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
commissioner, to be sworn, and they may determine what repairs
20 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
22 calling future meetings. A landowner who does not have a primary
residence on any of the parcels of land or who resides on any of
24 the parcels for less than 6 months per calendar year may be
assessed for the repairs no more than 1/2 of the amount that is
26 assessed for the repairs against a landowner who has a primary
residence or resides on any of the parcels for 6 months or longer
28 in a calendar year. This section does not apply to ways
constructed or primarily used for commercial or forest management
30 purposes. As used in this section, "repairs" does not include
paving, except to repair existing pavement or in locations where
32 limited paving is demonstrated to be a cost-effective approach
for fixing an erosion problem.

34
36 **SUMMARY**

38 This bill ensures that individuals who do not have primary
residences or who live on a parcel of land for less than 6 months
40 a year will be assessed a 1/2 share of the amount assessed
against a full-time resident for repairs to private ways.