

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1265

H.P. 893

House of Representatives, March 8, 2007

An Act To Keep Private Road Maintenance Costs Affordable

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERCY of Phippsburg. (BY REQUEST)

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

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

4 **§3101. Call of meetings; repairs**

5 Except as provided in this section, when 4 or more parcels of land are benefited by a
6 private way or bridge as an appurtenant easement or by fee ownership of the way or
7 bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are
8 owned by different persons, may make written application to a notary public to call a
9 meeting, who may issue a warrant setting forth the time, place and purpose of the
10 meeting, copies of which must be posted at some public place in the town and mailed to
11 the owners of all the parcels benefited by the way at the addresses set forth in the
12 municipal tax records, at least 30 days before such time. When so assembled, they may
13 choose a commissioner, to be sworn, and they may determine what repairs are necessary
14 and the materials to be furnished or amount of money to be paid by each owner for the
15 repairs and the manner of calling future meetings. This section does not apply to ways
16 constructed or primarily used for commercial or forest management purposes. As used in
17 this section, "repairs" does not include paving, ~~except to repair existing pavement or in~~
18 ~~locations where limited paving is demonstrated to be a cost-effective approach for fixing~~
19 ~~an erosion problem~~ except to repair pavement existing prior to January 1, 1999.

20

SUMMARY

21 This bill amends the law governing how repairs of private ways are made and paid
22 for by owners of parcels of land on the private way. This bill includes repairs to
23 pavement existing prior to January 1, 1999 as repairs for which landowners would be
24 liable.