

MAINE STATE LEGISLATURE

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Date: 5/14/19

R. of S.

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1307, Bill, "An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 23 MRSA §3101, sub-§7 is enacted to read:

7. Immunity from suit. A commissioner, board or owner of a parcel of land who undertakes activities of a road association under this subchapter is immune from civil liability in all actions by owners or lessees of other lots for the following activities:

- A. The determination of repairs and maintenance to be undertaken;
B. The determination of materials to be furnished or amount of money to be paid by each owner for repairs and maintenance;
C. The collection of the money from each owner; and
D. The awarding of a contract authorized under section 3103.

Sec. 2. 23 MRSA §3101, sub-§8 is enacted to read:

8. Environmental violations. Notwithstanding subsection 7, a commissioner, board or owner of a parcel of land is not immune from an enforcement action for a violation of law under the jurisdiction of the Department of Environmental Protection or a municipality.

SUMMARY

This amendment replaces the bill. It provides that road associations' commissioners and boards, and the owners of parcels within a road association, have no civil liability to the other lot owners and lessees for the determination of the repairs and maintenance to be undertaken, the determination of assessments of materials and money, the collection of

COMMITTEE AMENDMENT

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1 the money to be paid by the owners and the awarding of a contract authorized under the
2 Maine Revised Statutes, Title 23, section 3103.

3 This amendment also makes clear that the limited immunity provision does not
4 provide immunity from enforcement actions by the Department of Environmental
5 Protection or a municipality.

FISCAL NOTE REQUIRED
(See attached)



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LD 1307

LR 1914(02)

An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Decreases the number of civil suits.

A reduction in fines will decrease General Fund revenue by minor amounts.