

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1315

H.P. 918

House of Representatives, March 31, 2009

An Act To Amend the Private Way Laws with Regard to Road Associations

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUCHESNE of Hudson.
Cosponsored by Senator GOODALL of Sagadahoc and
Representatives: EBERLE of South Portland, KNAPP of Gorham, Senator: NASS of York.

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

Sec. 1. 23 MRSA §3101, sub-§2, as enacted by PL 2007, c. 625, §1, is amended to read:

2. **Call of meeting.** When 4 or more parcels of land are benefited by a private road, private way or bridge as an easement or by fee ownership of the private road, private way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting to address the repair and maintenance of the private road, private way or bridge. The meeting may also be used to choose a commissioner or board pursuant to subsection 5, to form a road association and to develop bylaws of the association. The notary may issue a warrant or similar written notice setting forth the time, place and purpose of the meeting. Copies of the warrant or similar written notice must be mailed by means of the United States Postal Service to the owners of all the parcels benefited by the private road, private way or bridge at the addresses set forth in the municipal tax records at least 30 days before the date of the meeting. ~~If mailing copies of the warrant or similar written notice to all such owners is not possible, the notary shall post a notice in a public place.~~ The notice must inform the owners of the planned meeting's agenda and specify all items to be voted on. Subsequent meetings may be called in the same manner or by a commissioner or board appointed at a previous meeting pursuant to subsection 5.

Sec. 2. 23 MRSA §3101, sub-§4-A is enacted to read:

4-A. Road associations. A road association through its commissioner or board may address present and future repair and maintenance of a private road, private way or bridge until the association is dissolved by a majority vote of its members.

Sec. 3. 23 MRSA §3101, sub-§5-A is enacted to read:

5-A. Easements. A road association under this section may negotiate an easement for the installation of a ditch, drain, culvert or other storm water management infrastructure to benefit the road. The easement must specify when a ditch, drain, culvert or other storm water management infrastructure must be maintained and include reasonable performance standards to guide the timing and extent of its upkeep and repair. The easement must also be recorded at the registry of deeds in the county in which the property subject to the easement is located. A ditch, drain, culvert or other storm water management infrastructure subject to an easement under this subsection must be under the control of and maintained by the road association.

Sec. 4. 23 MRSA §3105 is amended to read:

§3105. Use of town equipment

The inhabitants of any town or village corporation at a legal town or village corporation meeting may authorize the ~~selectmen~~ municipal officers of the town or assessors of the village corporation to use its highway equipment on private ways within such town or village corporation, whenever such ~~selectmen~~ municipal officers or

1 assessors ~~deem~~ consider it advisable in the best interests of the town or village
2 corporation for fire and police protection and water quality protection.

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SUMMARY

4 This bill clarifies the reasons why a group of property owners benefitted by a private
5 way may call a meeting of a road association, what issues a road association may address
6 and the ability of a road association to negotiate an easement for storm water
7 management infrastructure. This bill also allows a town to use town equipment on a
8 private way for water quality management.