

MAINE STATE LEGISLATURE

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Minority

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 381, L.D. 537, Bill, "An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road"

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

'Sec. 1. 23 MRSA §3107 is enacted to read:

§3107. Exemption

1. Exemption. Notwithstanding any other provision of this subchapter, an owner of a parcel of land benefited by a road that does not serve as the primary access route to the owner's parcel of land is exempt from all payments or assessments under this subchapter for repairs or maintenance relating to that road if the owner agrees to not use the road for any means of access to the parcel, whether by private vehicle or any other vehicle.

For purposes of this section, "road" means a private road, private way or bridge subject to the provisions of this subchapter.

2. Exemption claim; no responsibility for assessments; no voting rights. To claim the exemption under subsection 1, an owner must provide written notice to the commissioner or board of the road association that the owner is claiming the exemption and agrees to not use the road. An owner who claims the exemption may not be assessed for repairs or maintenance of the road and has no voting rights in the road association while the exemption is in effect.

3. Termination of exemption. The exemption under this section terminates when:

A. The owner provides written notice to the road association that the owner is terminating the exemption;

B. The agreement is violated by use of the road by the owner and the road association provides written notice of the violation to the owner; or

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C. The parcel is sold or transferred, unless the new owner provides the notice under subsection 4.

4. Transfer. If an owner that claims the exemption under this section sells or otherwise transfers the parcel of land, the owner shall provide written notice to the commissioner or board of the road association not more than 30 days after the sale or transfer of the parcel. If the new owner of the parcel wants to claim the exemption, the new owner of the parcel shall provide written notice to the road association claiming the exemption no more than 60 days after the transfer and is responsible for all future assessments if the exemption is not claimed.

5. Assessments. An owner eligible for an exemption under this section is not liable for assessments made after the notice is provided under subsection 2. The owner is not entitled to refund or repayment of assessments actually paid by the owner prior to the notice claiming the exemption. An assessment may not be made against a parcel of land for the period of time during which an eligible owner has claimed an exemption. The owner is responsible for assessments made against the parcel after the exemption terminates.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary.

The amendment replaces the bill. The amendment provides that an owner of a parcel of land benefited by a private road, private way or bridge that does not serve as the primary access to that parcel is exempt from all payments or assessments for repairs or maintenance relating to that private road, private way or bridge if the owner agrees to not use the private road, private way or bridge for any means of access to the parcel, whether by private vehicle or any other vehicle.

An owner must claim the exemption by providing written notice to the commissioner or board of the road association. The owner is then not subject to assessments and has no voting rights in the association.

An owner may terminate an exemption by notifying the road association in writing. The exemption is terminated if the no-use agreement is violated by the owner. The road association must provide written notice of the violation to the owner and the exemption then terminates, making the owner subject to assessments made after the termination. The owner may then use the road and vote as a member of the road association and is responsible for payment of assessments going forward.

An eligible owner who claims the exemption is not liable for assessments made after the notice claiming the exemption is provided to the road association.

Assessments may not be made against a parcel of land for the period of time during which the exemption is in effect. An owner is responsible for assessments made against the parcel after the termination of the exemption.

The exemption terminates when the parcel of land is sold or otherwise transferred, although the new owner may continue the exemption by providing written notice claiming the exemption to the commissioner or board of the road association not more

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than 60 days after the transfer and is responsible for all future assessments if the exemption is not renewed.

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