

# MAINE STATE LEGISLATURE

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ROFS

L.D. 1311

Date: 6/6/17

majority

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

COMMITTEE AMENDMENT "A" to H.P. 908, L.D. 1311, Bill, "An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Law Regarding Notice of Claim Recordings by Statutory Road Associations'

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

'Sec. 1. 23 MRSA §3104, as amended by PL 2013, c. 198, §10, is further amended to read:

§3104. Penalties and process

Money recovered under sections 3102 and 3103 is for the use of the owners. In any notice of claim or process for the money's recovery, a description of the owners ~~in general terms~~ as owners of parcels of land benefited by the private road, private way or bridge by name, clearly describing each owner's parcel of land by the book and page number of the owner's deed as recorded in the county's registry of deeds and the private road, private way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan recorded in the county's registry of deeds, the plan's recording reference is sufficient. Such process is not abated by the death of any owner or by the transfer of any owner's interest. Any money owed pursuant to section 3101, 3102 or 3103 is an obligation that is personal to the owners of the subject parcels, jointly or severally, and also burdens the parcel and runs with the land upon the transfer of any owner's interest. After June 30, 2018, any money owed pursuant to section 3101, 3102 or 3103 is not an obligation that burdens the parcel or runs with the land upon the transfer of any owner's interest unless a notice of claim is recorded in the county's registry of deeds prior to the transfer. A notice of claim filed in the registry of deeds expires 18 months from the date of recording unless extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid. The commissioner or board may cause to be recorded in the county's

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registry of deeds a notice of claim for money owed pursuant to section 3101, 3102 or 3103 that is more than 90 days delinquent and may add to the amount owed the recording costs for filing the notice of claim. The recording of such notice does not constitute slander of title. Before recording such notice or service of process of a complaint for collection in a civil action, the commissioner or board shall give the owner against whom such action is to be taken written notice, in the same manner as written notices of meetings are provided for in section 3101, of the intended action if the debt is not paid within 20 days of the date of the written notice. This written notice to cure must be sent at least 30 days before the recording of the notice of claim or the service of process of the complaint for collection in a civil action.'

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**SUMMARY**

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This amendment replaces the bill but retains the provision that ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds.

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The amendment, like the bill, requires that the recording include the name of the owner of the parcel.

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The amendment provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds.

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The amendment provides that a notice of claim expires 18 months from the date of recording unless it is extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.

**COMMITTEE AMENDMENT**