

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1311

H.P. 908

House of Representatives, April 4, 2017

**An Act To Amend the Law Regarding Lien Recordings on Statutory
Road Associations**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WADSWORTH of Hiram.
Cosponsored by Representative: FREDETTE of Newport.

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

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

4 **§3104. Penalties and process**

5 Money recovered under sections 3102 and 3103 is for the use of the owners. In any
6 notice of claim or process for the money's recovery, a description of the owners ~~in general~~
7 ~~terms as owners~~ of parcels of land benefited by the private road, private way or bridge by
8 name, clearly describing each owner's parcel of land by the book and page number of the
9 owner's deed as recorded in the county's registry of deeds and the private road, private
10 way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan
11 recorded in the county's registry of deeds, the plan's recording reference is sufficient.
12 Such process is not abated by the death of any owner or by the transfer of any owner's
13 interest. Any money owed pursuant to section 3101, 3102 or 3103 is an obligation that is
14 personal to the owners of the subject parcels, jointly or severally, and, if a notice of claim
15 is recorded in the county's registry of deeds, also burdens the parcel and runs with the
16 land upon the transfer of any owner's interest. The commissioner or board may cause to
17 be recorded in the county's registry of deeds a notice of claim for money owed pursuant
18 to section 3101, 3102 or 3103 that is more than 90 days delinquent and may add to the
19 amount owed the recording costs. The recording of such notice does not constitute
20 slander of title. Before recording such notice or service of process of a complaint for
21 collection in a civil action, the commissioner or board shall give the owner against whom
22 such action is to be taken written notice, in the same manner as written notices of
23 meetings are provided for in section 3101, of the intended action if the debt is not paid
24 within 20 days of the date of the written notice. This written notice to cure must be sent
25 at least 30 days before the recording of the notice of claim or the service of process of the
26 complaint for collection in a civil action.

27 If the money owed pursuant to section 3101, 3102 or 3103 is paid, the commissioner
28 or board shall cause to be prepared and recorded in the county's registry of deeds a release
29 of any recorded notice of claim.

30 **SUMMARY**

31 This bill makes the following changes to the laws governing the repair and
32 maintenance of private ways.

33 1. It requires any notice of claim or process for the recovery of money from the
34 owner of a parcel of land benefited by a private way to include the name of the owner of
35 the parcel.

36 2. It provides that in order for an obligation of an owner of a parcel of land benefited
37 by a private way to burden the parcel and run with the land upon the transfer of the
38 owner's interest, a notice of claim must be recorded in the county's registry of deeds.

1 3. It requires the road commissioner or road association board to prepare and record
2 in the county's registry of deeds a release of a recorded notice of claim when money owed
3 by an owner of a parcel of land benefited by a private way is paid.