

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CB (H-804) (LD 1598 2020)

Date: 8/5/2020

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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1157, L.D. 1598, Bill, “An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads”

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

'Sec. 1. 23 MRSA c. 305, sub-c. 2-A is enacted to read:

SUBCHAPTER 2-A

MAINTENANCE OF PRIVATE ROADS

§3121. Responsibility for cost of repairs to and maintenance of private roads

1. Cost sharing. If more than one property shares a common benefit from a private road, each property owner that shares the common benefit is responsible for a share of the cost of reasonable and necessary repairs to and maintenance of that private road determined pursuant to the terms of any agreement entered into to determine the share of the cost of reasonable and necessary repairs to and maintenance of the private road, any deed restriction, covenant or declaration applicable to the benefited property, any road association created pursuant to this chapter or otherwise or any method elected under section 3101, when applicable. In the absence of any such agreement, restriction, covenant, declaration, road association or method elected under section 3101, each residential property owner, after reasonable due process and notice, shall share equally in the cost of reasonable and necessary repairs to and maintenance of the private road when the private road is the primary means of access to the benefited property. For purposes of this subchapter, each residential property may be assessed only one share toward the collective cost of repairs and maintenance regardless of whether there are multiple owners of record for one property.

1 The provisions do not apply to a private road constructed or used primarily for
2 commercial or forest management purposes, to a property owner who issues a ground
3 lease to a 3rd party who maintains a residence on the subject property or to private roads
4 in Aroostook County. "Ground lease" is defined for the purposes of this law as an
5 arrangement under which a property owner leases only land to the lessee and the lessee
6 retains the rights to use the land and any improvements the lessee makes for the term of
7 the lease.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**



129th MAINE LEGISLATURE

LD 1598

LR 1831(03)

An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees may increase General Fund and other dedicated revenue by minor amounts.