

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

suspended or revoked under this section except by a decision of the commissioner or the commissioner's designee.

3. Complaints. Any person may file a complaint with the commissioner seeking disciplinary action against a massage therapist or massage practitioner concerning violations of this chapter or rules adopted by the department. Complaints must be in writing. If the commissioner determines that a complaint alleges facts that, if true, would require denial, revocation, suspension or nonrenewal of the license or other disciplinary action of a ~~registered practitioner or certified licensed massage therapist,~~ the commissioner or the commissioner's designee may conduct a hearing pursuant to the Maine Administrative Procedure Act. Whenever the commissioner establishes that a complaint does not state facts that warrant action, the complaint may be dismissed.

The commissioner shall conduct proceedings under this subsection in accordance with the provisions of Title 5, chapter 375, subchapter IV.

See title page for effective date.

CHAPTER 682

H.P. 1410 - L.D. 1974

An Act Regarding Maintenance of Private Ways

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

Sec. 1. 23 MRSA §3101, as amended by PL 1995, c. 227, §1, is further amended to read:

§3101. Call of meetings

~~When~~ Except as provided in this section, when 4 or more persons are owners and occupants of parcels of land are benefited by a private way or bridge, as an appurtenant easement or by fee ownership of the way or bridge, the owners of any 3 or more of them 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, who may issue a warrant setting forth the time, place and purpose of the meeting, ~~a copy~~ copies of which must be posted at some public place in the town ~~7~~ and mailed to the owners of all the parcels benefited by the way at the addresses set forth in the municipal tax records, at least 30 days before such time. When so assembled, they may choose a clerk and a surveyor a commissioner, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner for the repairs and the manner of calling future

meetings. This section does not apply to ways constructed or primarily used for commercial or forest management purposes.

Sec. 2. 23 MRSA §§3102 to 3104 are amended to read:

§3102. Commissioner's duties; neglect of owners to pay

The ~~surveyor~~ commissioner chosen under section 3101, with respect to ~~such the~~ way or bridge, has the powers of a road commissioner. ~~For refusing to accept the trust or to take the oath, he forfeits \$4, to be recovered as provided in section 3104.~~ If any owner or occupant, on requirement of the ~~surveyor~~ commissioner, neglects to furnish ~~his that~~ owner's proportion of labor, materials or money, the same may be furnished by the other owners and occupants and recovered of ~~him~~ the owner neglecting to pay in a civil action, together with costs of suit and reasonable attorney's fees.

§3103. Contracts for repair; assessments

The owners, at ~~such a~~ meeting held under section 3101, may authorize a contract to be made for making and keeping ~~such the~~ way or bridge in repair by the year or for a less time; may raise money for that purpose and choose assessors to assess it on ~~such the~~ owners and occupants in proportion to their interests, who shall deliver their assessment with a warrant for its collection to the ~~surveyor~~ commissioner. ~~Such warrant shall~~ The warrant must be in substance such as is prescribed for collection of town taxes. The ~~surveyor~~ commissioner shall collect the same as town taxes are collected, and be liable for neglect of duty as town collectors are for similar neglects.

§3104. Penalties and process

Money recovered under sections 3102 and 3103 is for the use of such owners. In any process for its recovery, a description of ~~them the~~ owners in general terms as ~~proprietors and occupants of~~ owners of parcels of land benefited by the way or bridge, clearly describing it therein the way or bridge, is sufficient. Such process is not abated by the death of any owner or by the transfer of ~~his~~ any owner's interest.

Sec. 3. Application. Before July 1, 1999, only owners who are members of road associations incorporated as of March 1, 1998 may utilize the process set forth in this Act.

See title page for effective date.
