

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

**Sec. 1. 5 MRSA §12005-A**, as amended by PL 1999, c. 668, §§45 and 46, is further amended to read:

**§12005-A. Report to Secretary of State**

Every board listed in this chapter is required to appoint a clerk of the board who is responsible for submitting reports to the Secretary of State as required by this chapter. This clerk shall submit an annual report to the Secretary of State ~~on forms in a manner~~ provided by the Secretary of State. This report must be submitted no later than December 31st of each calendar year and must include information required by this section and any other information determined necessary by the Secretary of State to fulfill the purposes of this chapter. This information must include:

**1. Clerk of board.** The name, address ~~and~~ telephone number ~~and e-mail address~~ of the clerk of the board ~~as well as an estimate of the number of hours spent annually working for the board;~~

**2. Names and addresses of members.** The ~~names and current addresses~~ name of each member of the board ~~on file with the Secretary of State and the current address of each member at the time of filing under this section;~~

**3. Date of appointment and expiration.** The date of appointment of each member and the date of expiration of the term of each member on file with the Secretary of State;

**4. Dates and locations of all meetings.** The dates and locations of all meetings or other activities of the board as specified in section 12002-B, subsection 1 during the calendar year for which the report is prepared.

A. In the event that a board reports no meetings for the calendar year of the report, the clerk shall indicate the last meeting of the board;

**5. Attendance at and length of meetings.** The number of members attending each meeting or activity of the board and the length of each meeting or activity of the board;

~~**6. Compensation.** The total per diem compensation, if any, received by the board for each meeting and the total received for the calendar year;~~

**6-A. Expenses related to the meetings or activities of the board.** The following expenses related to the meetings or activities of the board:

A. Total per diem compensation, if any, received by board members for each meeting or other activity of the board and the total received for the calendar year;

B. Total expenses for which board members were reimbursed, if any, for each meeting or other activity of the board and the total reimbursed for the calendar year;

C. Reimbursement other than per diem compensation or expenses such as a stipend; and

D. Total expenses related to the functioning of the board, if any, for each meeting or other activity of the board and the total received for the calendar year, including but not limited to:

(1) Expenses related to facility rental costs;

(2) Expenses related to refreshment costs for meetings or other activities;

(3) Expenses related to holding public hearings; and

(4) Other expenses not otherwise classified in this section.

~~**7. Expenses.** The total expenses for which the board is reimbursed, if any, for each meeting and the total expenses for which all board members were reimbursed for the calendar year; and~~

**7-A. Funding source for expenses.** The funding source or sources for all expenses paid for the functioning of the board, including reimbursement to members incurred by the board;

**8. Vacancies.** The number of vacancies on the board on December 31st and the term of ~~the~~ each vacancy; ~~and~~

**9. Activities of the board related to its mission.** A brief summary of the activities related to accomplishing the mission of the board.

The Secretary of State may not waive the requirements of this section.

See title page for effective date.

---



---

**CHAPTER 624**

**S.P. 636 - L.D. 1792**

**An Act To Require Disclosure  
of the Compensation of  
Officers and Directors of  
Public Benefit Nonprofit  
Corporations**

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

**Sec. 1. 13-B MRSA §713-A, sub-§2-A** is enacted to read:

**2-A. Compensation information.** A public benefit corporation that receives at least 25% of its total funding from one or more municipal, county, state or federal sources shall provide to the public information about the total compensation paid by the corporation to any director or officer of the corporation if the compensation exceeds \$250,000 in any 12-

month period. The corporation shall make the information available by posting the information on its publicly accessible website or through other comparable means. "Compensation" includes all remuneration and benefits.

**Sec. 2. Notification.** The Secretary of State shall include a statement of the requirements of the Maine Revised Statutes, Title 13-B, section 713-A, subsection 2-A relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

See title page for effective date.

---



---

## CHAPTER 625

### H.P. 1488 - L.D. 2102

#### An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting

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

**Sec. 1. 23 MRSA §3101**, as amended by PL 2007, c. 162, §1, is repealed and the following enacted in its place:

**§3101. Call of meetings; maintenance; repairs**

**1. Definitions.** As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Private way" means a public easement as defined in section 3021, subsection 2.

B. "Repairs and maintenance" does not include paving, except in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair and maintain pavement existing as of July 1, 2007. "Maintenance" includes, but is not limited to, snowplowing.

**2. Call of meeting.** When 4 or more parcels of land are benefited by a private road, private way or bridge as an easement or by fee ownership of the private road, private way or bridge, the owners of any 3 or more of 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. The notary may issue a warrant or similar written notice setting forth the time, place and purpose of the meeting. Copies of the warrant or similar written notice must be mailed by means of the United States Postal Service to the owners of all the parcels benefited by the private road, private way or bridge at the addresses

set forth in the municipal tax records at least 30 days before the date of the meeting. If mailing copies of the warrant or similar written notice to all such owners is not possible, the notary shall post a notice in a public place. The notice must inform the owners of the planned meeting's agenda and specify all items to be voted on. Subsequent meetings may be called in the same manner or by a commissioner or board appointed at a previous meeting pursuant to subsection 5.

**3. E-mail.** E-mail may be used as an alternative to United States mail for sending notices and other materials under this section with the agreement of the receiving party as long as the communication includes the current address and telephone number of the sender for purposes of verification.

**4. Voting.** Each parcel of land benefited by a private road, private way or bridge represents one vote under this section; except that, if the bylaws of the association authorize more than one vote, then each parcel may represent no more than 2 votes under this subsection. The call to a meeting may state that an owner may elect to appoint another owner to vote in the owner's stead. Owners voting by absentee ballot must be polled on all voting items that were not included in the agenda and the final tally must be reported to the owners.

**5. Commissioner or board; repair and maintenance assessment.** The owners of parcels of land benefited by a private road, private way or bridge at a meeting called pursuant to subsection 2 may choose a commissioner or board, to be sworn. By a majority vote, the owners may determine what repairs and maintenance are necessary and the materials to be furnished or amount of money to be paid by each owner for repairs and maintenance. The determination of each owner's share of the total cost must be fair and equitable. The commissioner or board shall report the outcome of all votes to all the owners by United States mail within 30 days. Special assessments for emergency repairs and maintenance may be made at a duly held meeting called for that purpose. Emergency repairs and maintenance are those actions necessary to maintain or restore the functionality of the private road, private way or bridge.

**6. Commercial or forest management purposes.** This section does not apply to a private road, private way or bridge constructed or primarily used for commercial or forest management purposes.

**Sec. 2. 23 MRSA §3102**, as amended by PL 1999, c. 552, §2, is further amended to read:

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

The commissioner or board chosen under section 3101, with respect to the private road, private way or bridge, has the powers of a road commissioner. If any owner, on requirement of the commissioner or board,