

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

**8. Effective date established for rate change.** Subject to the notice and waiver requirements of section 307, consumer-owned water utilities electing to set rates under this section may establish an effective date for a rate change of at least one month, but not more than 9 months, from the date the rates are filed with the commission under subsection 7.

**9. Review of rates under section 310.** Nothing in this section prohibits a consumer-owned water utility from petitioning the commission for review pursuant to section 310 or filing a rate change pursuant to section 6104 in the first instance.

**10. Correction of errors.** Upon review of a rate filing made pursuant to this section, the commission may order the consumer-owned water utility to correct mathematical or clerical errors.

See title page for effective date.

## CHAPTER 238

### H.P. 910 - L.D. 1307

#### **An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers**

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

**Sec. 1. 23 MRSA §3101, sub-§7** is enacted to read:

**7. Immunity from suit.** A commissioner, board or owner of a parcel of land who undertakes activities of a road association under this subchapter is immune from civil liability in all actions by owners or lessees of other lots for the following activities:

A. The determination of repairs and maintenance to be undertaken;

B. The determination of materials to be furnished or amount of money to be paid by each owner for repairs and maintenance;

C. The collection of the money from each owner; and

D. The awarding of a contract authorized under section 3103.

**Sec. 2. 23 MRSA §3101, sub-§8** is enacted to read:

**8. Environmental violations.** Notwithstanding subsection 7, a commissioner, board or owner of a parcel of land is not immune from an enforcement action for a violation of law under the jurisdiction of

the Department of Environmental Protection or a municipality.

See title page for effective date.

## CHAPTER 239

### H.P. 918 - L.D. 1315

#### **An Act To Amend the Private Way Laws with Regard to Road Associations**

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

**Sec. 1. 23 MRSA §3101, sub-§2**, as enacted by PL 2007, c. 625, §1, is amended to read:

**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.

**Sec. 2. 23 MRSA §3101, sub-§4-A** is enacted to read:

**4-A. Road associations.** A road association through its commissioner or board may address present and future repair and maintenance of a private road, private way or bridge until the association is dissolved by a majority vote of its members.

**Sec. 3. 23 MRSA §3101, sub-§5-A** is enacted to read:

**5-A. Easements.** A road association under this section may negotiate an easement for the installation of a ditch, drain, culvert or other storm water management infrastructure to benefit the road. The easement must specify when a ditch, drain, culvert or other storm water management infrastructure must be maintained and include reasonable performance standards