

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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December 2021

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JOINT STANDING COMMITTEE ON JUDICIARY

LD 192 An Act To Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads

ENACTED LAW SUMMARY

Public Law 2021, chapter 13 addresses the responsibility for the repair and maintenance of private roads that benefit residential properties. It is limited in application to residential properties only. Unless there is an agreement, deed restriction, covenant or declaration or road association that specifies the cost to be paid by each owner of a benefited property, the cost is shared equally by the benefited properties. Each residential property is subject to cost sharing, not each residential property owner; each residential property is assessed one share of the collective costs of repairs and maintenance regardless of whether there are multiple owners of record for that property. An owner who fails to comply may be forced to comply through an action brought by other owners on the private road.

The provisions do not apply to a private road constructed or used primarily for commercial or forest management purposes or to a property owner who issues a ground lease to a third party who maintains a residence on the subject property.

LD 209 An Act Concerning Name Changes for Minors

ENACTED LAW SUMMARY

Public Law 2021, chapter 14 contains recommendations of the Family Law Advisory Commission. It clarifies and consolidates in a single section of Maine law the process and standards for changing the names of adults and minors. Chapter 14 provides that a parent or guardian of a minor may file a name change petition for the minor in the Probate Court in the county in which the minor lives, unless the District Court has exclusive jurisdiction regarding the minor pursuant to the Maine Revised Statutes, Title 4, section 152, subsection 5-A, in which case the petition must be filed in District Court. It also permits a parent or guardian to request to change the minor's name as part of a proceeding concerning parentage or other parental rights with respect to the minor in the District Court. A separate petition is not required in these cases.

Chapter 14 requires the parent or guardian who requests a name change for the minor in District Court to provide notice pursuant to the applicable rules of procedure to any other parent, any guardian, any guardian ad litem and any person or agency with legal custody of the minor and to the minor if the minor is 14 years of age or older. The court must provide an opportunity for those entitled to notice to be heard and may change the name of the minor if the court finds that the change is in the best interest of the minor. A parent or guardian does not have to publish notice of a minor's name change unless the court orders that notice publication is required because of the specific circumstances of the case. It authorizes the court to limit notice of the name change if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence