

PUBLIC LAWS OF MAINE

Second Regular Session of the 118th

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.

Effective June 30, 1998, unless otherwise indicated.

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