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5	STATE OF MAINE	
	HOUSE OF REPRESENTATIVES	
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7	129TH LEGISLATURE	
8	SECOND SPECIAL SESSION	
9) 1	COMMITTEE AMENDMENT "" to H.P. 1157, L.D. 1598, Bill, "An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads"	
2 3	Amend the bill by striking out everything after the enacting clause and inserting the following:	
4	'Sec. 1. 23 MRSA c. 305, sub-c. 2-A is enacted to read:	
5	SUBCHAPTER 2-A	
5	MAINTENANCE OF PRIVATE ROADS	
	§3121. Responsibility for cost of repairs to and maintenance of private roads	
8	1. Cost sharing. If more than one property shares a common benefit from a private	
9	road, each property owner that shares the common benefit is responsible for a share of the	
)	cost of reasonable and necessary repairs to and maintenance of that private road	
	determined pursuant to the terms of any agreement entered into to determine the share of the cost of reasonable and necessary repairs to and maintanenes of the private read, any	
	the cost of reasonable and necessary repairs to and maintenance of the private road, any deed restriction, covenant or declaration applicable to the benefited property, any road	
	association created pursuant to this chapter or otherwise or any method elected under	
	section 3101, when applicable. In the absence of any such agreement, restriction,	
	covenant, declaration, road association or method elected under section 3101, each	
	residential property owner, after reasonable due process and notice, shall share equally in	
	the cost of reasonable and necessary repairs to and maintenance of the private road when	
	the private road is the primary means of access to the benefited property. For purposes of	
	this subchapter, each residential property may be assessed only one share toward the	
	collective cost of repairs and maintenance regardless of whether there are multiple	
	owners of record for one property.	

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1	2. Repairs and maintenance defined. For the purposes of this subchapter, "repairs
2	and maintenance" has the same meaning as set forth in section 3101, subsection 1,
3	paragraph B.

3. Enforcement. If a residential property owner fails, after a demand in writing, to
 pay that owner's share of the cost of reasonable and necessary repairs to and maintenance
 of the private road in accordance with subsection 1, a legal claim for payment of the
 amount owed may be brought against the owner of the property by a residential owner or
 owners who share a common benefit in the road, either jointly or severally.

4. Conflict. In the event of any conflict between the provisions of this section and
 an agreement, restriction, covenant, declaration, road association or method elected in
 section 3101 existing on or entered into after the effective date of this section, the terms
 of the agreement, restriction, covenant, declaration, road association or method elected in
 section 3101 control.

- 14 **5. Exceptions.** This section does not apply to:
- A. A private road constructed or primarily used for commercial or forest
 management purposes; or
- 17B. A property owner who issues a ground lease to a 3rd party who maintains a18residence on the subject property. For purposes of this section, a ground lease is an19arrangement under which a property owner leases only land to a lessee and the lessee20retains the rights to use the land and any improvements the lessee makes for the term21of the lease.'
- Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
 - SUMMARY

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This amendment is the majority report of the Joint Standing Committee on Judiciary.It replaces the bill.

The amendment enacts a new subchapter in the Maine Revised Statutes, Title 23, 27 chapter 305, which concerns local road construction and repair, to address the 28 responsibility for the repair and maintenance of private roads that benefit residential 29 properties. It is limited in application to residential properties only. Unless there is an 30 agreement, deed restriction, covenant or declaration or road association that specifies the 31 cost to be paid by each owner of a benefited property, the cost is shared equally by the 32 benefited properties. Each residential property is subject to cost sharing, not each 33 residential property owner; each residential property is assessed one share of the 34 collective costs of repairs and maintenance regardless of whether there are multiple 35 owners of record for that property. An owner who fails to comply may be forced to 36 comply through an action brought by other owners on the private road. 37

The amendment uses the definition of "repairs and maintenance" provided in the law that applies to road associations.

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

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lease to a 3rd party who maintains a residence on the subject property. "Ground lease" is
defined for the purposes of this law as an arrangement under which a property owner
leases only land to the lessee and the lessee retains the rights to use the land and any
improvements the lessee makes for the term of the lease.

5	FISCAL NOTE REQUIRED
6	(See attached)

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