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An Act To Require Equal Treatment of All Roads in a Road Association

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

Sec. 1. 23 MRSA §3101, sub-§5, as enacted by PL 2007, c. 625, §1, is amended to read:

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. Regular maintenance other than emergency repairs and maintenance must be conducted equally on all portions of a private road, private way or bridge under the jurisdiction of the commissioner or board under this subsection. If the commissioner or board has jurisdiction over more than one private road, private way or bridge under this subsection, repairs and maintenance must be conducted equally on all private roads, private ways and bridges under the jurisdiction of the commissioner or board under this subsection.

SUMMARY

This bill requires a road association to conduct regular maintenance equally on all portions of a private road, private way or bridge and, if the association has jurisdiction over more than one private road, private way or bridge, the regular maintenance must be conducted equally on all those private roads, private ways and bridges.