

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations**

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

**Sec. 1. 23 MRSA §3104**, as amended by PL 2013, c. 198, §10, is further amended to read:

### **§ 3104. Penalties and process**

Money recovered under sections 3102 and 3103 is for the use of the owners. In any notice of claim or process for the money's recovery, a description of the owners ~~in general terms as owners~~ of parcels of land benefited by the private road, private way or bridge by name, clearly describing each owner's parcel of land by the book and page number of the owner's deed as recorded in the county's registry of deeds and the private road, private way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan recorded in the county's registry of deeds, the plan's recording reference is sufficient. Such process is not abated by the death of any owner or by the transfer of any owner's interest. Any money owed pursuant to section 3101, 3102 or 3103 is an obligation that is personal to the owners of the subject parcels, jointly or severally, and, if a notice of claim is recorded in the county's registry of deeds, also burdens the parcel and runs with the land upon the transfer of any owner's interest. The commissioner or board may cause to be recorded in the county's registry of deeds a notice of claim for money owed pursuant to section 3101, 3102 or 3103 that is more than 90 days delinquent and may add to the amount owed the recording costs. The recording of such notice does not constitute slander of title. Before recording such notice or service of process of a complaint for collection in a civil action, the commissioner or board shall give the owner against whom such action is to be taken written notice, in the same manner as written notices of meetings are provided for in section 3101, of the intended action if the debt is not paid within 20 days of the date of the written notice. This written notice to cure must be sent at least 30 days before the recording of the notice of claim or the service of process of the complaint for collection in a civil action.

If the money owed pursuant to section 3101, 3102 or 3103 is paid, the commissioner or board shall cause to be prepared and recorded in the county's registry of deeds a release of any recorded notice of claim.

### **SUMMARY**

This bill makes the following changes to the laws governing the repair and maintenance of private ways.

1. It requires any notice of claim or process for the recovery of money from the owner of a parcel of land benefited by a private way to include the name of the owner of the parcel.

2. It provides that in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds.

3. It requires the road commissioner or road association board to prepare and record in the county's registry of deeds a release of a recorded notice of claim when money owed by an owner of a parcel of land benefited by a private way is paid.