



125th MAINE LEGISLATURE

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Legislative Document

No. 1052

H.P. 787

House of Representatives, March 15, 2011

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

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SHAW of Standish.

Cosponsored by Representatives: BOLAND of Sanford, BOLDUC of Auburn, HASKELL of Portland, McCLELLAN of Raymond, Senator: PATRICK of Oxford.

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

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

4 **5. Commissioner or board; repair and maintenance assessment.** The owners of
5 parcels of land benefited by a private road, private way or bridge at a meeting called
6 pursuant to subsection 2 may choose a commissioner or board, to be sworn. By a majority
7 vote, the owners may determine what repairs and maintenance are necessary and the
8 materials to be furnished or amount of money to be paid by each owner for repairs and
9 maintenance. The determination of each owner's share of the total cost must be fair and
10 equitable. The commissioner or board shall report the outcome of all votes to all the
11 owners by United States mail within 30 days. Special assessments for emergency repairs
12 and maintenance may be made at a duly held meeting called for that purpose. Emergency
13 repairs and maintenance are those actions necessary to maintain or restore the
14 functionality of the private road, private way or bridge. Regular maintenance other than
15 emergency repairs and maintenance must be conducted equally on all portions of a
16 private road, private way or bridge under the jurisdiction of the commissioner or board
17 under this subsection. If the commissioner or board has jurisdiction over more than one
18 private road, private way or bridge under this subsection, repairs and maintenance must
19 be conducted equally on all private roads, private ways and bridges under the jurisdiction
20 of the commissioner or board under this subsection.

21 **SUMMARY**

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