



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 1042

---

H.P. 731

House of Representatives, March 14, 2017

### An Act To Amend the Law Regarding Road Associations

---

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ESPLING of New Gloucester. (BY REQUEST)

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

2               **Sec. 1. 23 MRSA §3102**, as amended by PL 2013, c. 198, §8, is further amended  
3 to read:

4       **§3102. Commissioner's or board's duties; neglect of owners to pay**

5               The commissioner or board chosen under section 3101, with respect to the private  
6 road, private way or bridge, has the powers of a road commissioner. If any owner, on  
7 requirement of the commissioner or board, neglects to furnish that owner's proportion of  
8 labor, materials or money, the same may be furnished by the other owners and recovered  
9 of the owner neglecting to pay in a civil action, together with costs of suit and reasonable  
10 attorney's fees. Such civil action may be brought in the name of and by the road  
11 association created pursuant to this subchapter and the decision to bring that civil action  
12 may be made by the commissioner or board or as otherwise provided for in the road  
13 association's bylaws. The commissioner's or board's apportioning of the cost of repairs to  
14 the road undertaken pursuant to the provisions of section 3101 may not exceed ~~1%~~ 2% of  
15 an individual owner's municipal property valuation in any calendar year.

16   **SUMMARY**

17               Under current law, if a road association is formed for the maintenance of a private  
18 road, private way or bridge, all owners of land benefitted by that private road, way or  
19 bridge are required to pay a share of the costs incurred for the maintenance of that private  
20 road, way or bridge. If an owner fails to pay, the owner's share of the costs may be  
21 recovered in a civil action, up to a maximum of 1% of the owner's municipal property  
22 valuation.

23               This bill increases the maximum amount of liability to 2% of the owner's municipal  
24 property valuation.