

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

Amend the bill by striking out all of section 1 and inserting the following:

‘**Sec. 1. 23 MRSA §3101**, as amended by PL 1999, c. 552, §1, is further amended to read:

§ 3101. Call of meetings; repairs

Except as provided in this section, when 4 or more parcels of land are benefited by a private way or bridge as an appurtenant easement or by fee ownership of the way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting, who may issue a warrant setting forth the time, place and purpose of the meeting, copies of which must be posted at some public place in the town and mailed to the owners of all the parcels benefited by the way at the addresses set forth in the municipal tax records, at least 30 days before such time. When so assembled, they may choose a commissioner, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner for the repairs and the manner of calling future meetings. This section does not apply to ways constructed or primarily used for commercial or forest management purposes. As used in this section, "repairs" does not include paving, ~~except to repair existing pavement or in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair pavement existing as of July 1, 2007.~~

SUMMARY

This amendment replaces the bill.

The bill proposed to amend the law governing how repairs of private ways may be made and paid for by owners of parcels of land on certain private ways. The current law generally excludes paving from the definition of “repairs” but includes repair of existing pavement or paving that is a cost-effective approach for fixing an erosion problem. The bill proposed to amend the provision to exclude all paving except repairs to pavement existing prior to January 1, 1999. Under the amendment the law is altered so that definition of “repairs” includes paving in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem and repairs to pavement existing as of July 1, 2007.