

## Annual Report– for Nonprofit Corporation Road Associations

All nonprofit corporations must file an Annual Report by June 1 of each year (although the Secretary of State requests filings by April 1). There is a filing fee, as well as a late fee for filings received after June 1. You may download a form or file online at [www.maine.gov/sos/cec/corp/formsnew/formspec.htm#mnpca13](http://www.maine.gov/sos/cec/corp/formsnew/formspec.htm#mnpca13).

## Federal Requirements and Forms– for Nonprofit Corporation Road Associations

As a nonprofit corporation, you will need to obtain a federal Employer Identification Number (EIN). This is simply a means of identifying the organization for tax and other purposes. You will also have to file IRS tax forms. See Online Appendix F for some general guidance and resources.

## **Implement Your Maintenance Plan**

Now that you have a maintenance plan and, more importantly, the necessary funding - it's time to get to work.

### Be Aware of Regulatory and Permitting Requirements

Your road commissioner or board should be aware of the regulatory and permitting requirements that may apply to your road maintenance work, and make sure the chosen contractor is aware of them and in compliance. For a summary of regulatory considerations, see Online Appendix L.

### Choose a Contractor and Begin Work

Your road commissioner or board will need to contact local contractors to update bids or solicit proposals for the work that needs to be done. Using the obtained "not to exceed quote" or updated bid and your detailed maintenance plan, choose a contractor, sign a contract, and work can begin on your road. For some tips on choosing a contractor and requesting estimates, see Online Appendix N. There is also a sample gravel road maintenance agreement in Online Appendix O.

If possible, the road commissioner (or another representative from the road association) should be present during construction to answer any questions that the contractor may have and to make sure the contractor is meeting your road association's expectations. The road commissioner should inspect the work before the contractor takes their equipment to another job. This will save both the contractor and the road association money if more needs to be done (for whatever reason).



## **Hold Annual Road Association Meetings**

For both statutory and nonprofit corporation road associations, you will need to have an annual meeting every year, since your officers, maintenance plan, budget, and assessment fee need to be voted on every year. Nonprofit corporation road associations must call the meeting using the same procedure as described in the Organizational Meeting section. Statutory road associations may use the same method as used to call their first Organizational Meeting, or may have the commissioner or board call the meeting, mailing notice of the meeting to each owner at least 30 days prior to the meeting. During the meeting, both types of road associations must follow the procedures described in the Organizational Meeting section.

You may also need to hold emergency meetings if road issues come up between annual meetings. Special assessments for emergency repairs and maintenance may be made at a duly held meeting called for that purpose.



## - RESOURCES -

### Online Appendices

Available at: [www.maine.gov/dep/blwq/docwatershed/roadassociation.htm](http://www.maine.gov/dep/blwq/docwatershed/roadassociation.htm)

### **Statutory Road Associations**

Maine's Private Way Law: [www.mainelegislature.org/legis/statutes/23/title23ch305sec0.html](http://www.mainelegislature.org/legis/statutes/23/title23ch305sec0.html)  
(see Private Ways, Subchapter 2)

- A) Sample Application to Notary
- B) Sample Notice of Meeting Warrant
- C) Sample Meeting Minutes
- D) Sample Statutory Road Association By-laws
- E) Sample Registry Notice of Non-Payment of Road Association Assessment

### **Nonprofit Corporation Road Associations**

Maine Nonprofit Corporation Act: [www.mainelegislature.org/legis/statutes/13-B/title13-Bch0sec0.html](http://www.mainelegislature.org/legis/statutes/13-B/title13-Bch0sec0.html)

- F) Maine's Requirements for Incorporating a Nonprofit Corporation  
(including links to EIN and Articles of Incorporation forms)
- G) Sample Road Maintenance Agreement
- H) Sample Nonprofit Corporation Road Association By-laws
- I) Sample Quitclaim Deed with Covenant
- J) Sample Drainage Easement

### **General**

- K) Liability Exposure Generally for All Private Roads
- L) Regulatory Considerations
- M) Forming a Budget
- N) Choosing a Contractor and Requesting an Estimate
- O) Sample Gravel Road Maintenance Agreement for Contractors
- P) Guidelines for Running Effective Meetings
- Q) Group Decision Making

## Resource Directory

### **MAINE SOIL & WATER CONSERVATION DISTRICT OFFICES**

- Education and training on a variety of lake related issues - including camp roads.
- Grant project planning and development.
- Site evaluations to assess erosion and/or drainage concerns.
- Best Management Practice design.

<http://maineswcds.org/locations.htm>

Androscoggin Valley	753-9400 x 3
Central Aroostook County	764-4153
Cumberland County	892-4700
Franklin County	778-4279
Hancock County	667-8663
Kennebec County	622-7847 x 3
Knox-Lincoln County	273-2005 x101
Oxford County	743-5789 x 3
Penobscot County	990-3676 x 3
Piscataquis County	564-2321 x 3
Somerset County	474-8324
Southern Aroostook County	532-2087 x 3
St. John Valley	834-3311 x 3
Waldo County	338-1964 x 3
Washington County	255-4659
York County	324-0888 x214

### **MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)**

[www.maine.gov/dep](http://www.maine.gov/dep)  
1-800-452-1942 (in state only)  
207-287-7688

**DEP Bureau of Land and Water  
Quality (BLWQ) –**  
licensing, enforcement, water  
classification, shoreland zoning, and  
field services

**DEP Division of Watershed  
Management (DWM)–**  
nonpoint source pollution control,  
watershed surveys, BMP training,  
technical assistance

**DEP Offices – BLWQ & DWM**  
Augusta 287-3901 (main office)  
Bangor 941-4570  
Portland 822-6300  
Presque Isle 764-0477

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### **OTHER RESOURCES**

**Maine Alliance for Road Associations –**  
online resource for statutory road associations  
[www.maineroads.org](http://www.maineroads.org)

**Maine Volunteer Lake Monitoring Program**  
783-7733  
[www.mainevolunteerlakemonitors.org](http://www.mainevolunteerlakemonitors.org)

**Maine Congress of Lake Associations –**  
lake association contact information, lake  
protection resources and information  
877-254-2511 [www.mainecola.org](http://www.mainecola.org)

**Nonprofit Corporation Resources**  
[www.maine.gov/sos/cec/corp/NonprofitResources.html](http://www.maine.gov/sos/cec/corp/NonprofitResources.html)

This publication, associated online appendices, and other related materials are  
available at the **camp roads website:**  
[www.maine.gov/dep/blwq/docwatershed/camp/roads/index.htm](http://www.maine.gov/dep/blwq/docwatershed/camp/roads/index.htm)