

March 18, 2024

Dear Committee Members,

I am Neil Lanteigne, a concerned citizen and landowner in Paris, Maine. I am writing to provide my testimony in support of LD 2264 "An Act to Further Clarify the Meaning of "Private Road" and "Public Easement" in Certain Provisions of Maine Law," as it directly impacts my situation and the ongoing issues I have faced with the blocked public easement on Finn Road in West Paris. My situation has been extensively documented in previous testimonies to the Maine Abandoned and Discontinued Roads Commission on 12/10/23, 1/19/23, 12/20/22, and 12/13/22.

I urge the committee to consider M.R.S. Title 17-A, §505, which mandates the removal of obstructions on public easements. This law should be enforced equally, and without exception by law enforcement agencies. Currently, there is no formal appeals process for situations where law enforcement denies requests to remove obstructions. The legislature could explore establishing an appeals process involving a neutral third party to review the situation and potentially order the removal of obstructions, ensuring compliance with M.R.S. Title 17-A, §505, which classifies obstructing public ways as a Class E crime.

By law, Finn Road is a public right of way. Finn Road was determined by the municipality on September 25, 2017 abandoned due to non-maintenance beginning April 15, 1985 and ending on April 15, 2015, resulting in a public easement pursuant to M.R.S. Title 23, §3028. The town's September 25, 2017 determination is legally binding on all parties, including the State.

Additionally, Finn Road was voted closed by the town of West Paris in 1965, which rebuts any presumption of abandonment prior to that date, as it had to have been a town way in 1965 in order for the vote to occur. It is crucial to emphasize that a town should not have the authority to claim common law abandonment; this determination should be left to the Courts.

It is the obligation of law enforcement to enforce the law equally, without exception, and order the landowners to remove the obstructions blocking the public right of way pursuant to M.R.S. Title 17-A, §505. Therefore, I contacted Oxford County Sheriff Christopher Wainwright, informing him of the public easement and requested the removal of the gates, bars, and obstructions blocking the public right of way. My request was adamantly denied by Sheriff Wainwright. It is disheartening to see such disregard for the principles of impartiality and equal enforcement of the law, especially from a law enforcement leader.

"[O]ne whose property abuts a public way may suddenly find himself barred from access because the way has been converted to a limited access highway, or barriers or obstructions have been installed under police power authority" (without affording to abutters thereon compensation and due process of law) *Jordan v. Town of Canton* 265 A.2d 96 (Maine 1970).

<http://law.justia.com/cases/maine/supreme-court/1970/265-a-2d-96-0.html>

Landowners should not possess unilateral authority to block a road without undergoing due process through the Court system. The burden of proof should rest upon landowners seeking to block a road, requiring them to demonstrate unencumbered ownership, and not just rely on false assumptions. This approach ensures fairness and places the responsibility where it belongs, rather than burdening those who are landlocked by such obstructions.

Contrary to claims made by my neighbors, their deeds only grant ownership to the side or edge of the road, not the centerline. Despite this, my neighbors falsely assert ownership of the entire road, and law enforcement authorities have unjustly supported their claims, denying me due process and equal protection under the law. The town of West Paris, the Oxford County Sheriff's Office, the Oxford County District Attorney, and the State all fail to acknowledge the fact that the road is a public easement by law. This results in a state-created danger by denying me due process and falsely leading my neighbors to believe they can control the public easement.

I am indigent and disabled and I cannot afford \$100,000 (or more) to hire an attorney. As a result, I have been denied equal opportunity and access to the public easement. How many other landowners have been denied access to their property simply because they are unable to afford to hire an attorney? I am hopeful other affected landowners who are in a similar situation and are reading this will consider joining us in a class-action lawsuit against the State of Maine. Together we can all have equal access to justice and inspire positive change along our old Maine roads.

Furthermore, I propose the Maine State Legislature consider enacting legislation to clarify the meaning of "Flatlander" as it relates to "Private Road" and "Public Easement" in certain provisions of Maine law. As more and more individuals move into the state and settle along our old Maine roads, the issue of access and ownership will only become more complex. I have personally been labeled a "Flatlander" and denied access by locals due to being from away. However, I am also aware similar situations exist throughout the state, where landowners are discriminated against and unjustly denied access to public roads. It is my understanding there has also been situations reported where others from away so-called "Flatlanders" have gated off public roads because they own property on either side of the road that they now claim as private property, exacerbating the problem for indigent landowners who are subsequently landlocked and denied access along our old Maine roads, often by individuals with considerable resources or perceived influence or power. Clarification of the meaning of "Flatlander" would help to address issues of discrimination and access faced by both long-time residents and newcomers to Maine.

The current lack of clarity in the law has resulted in numerous unintended consequences, including the unjust denial of access to public roads and the perpetuation of conflicts among landowners. As Roberta Manter's testimony points out, working on the confusing terminology is another unintended consequence that has detracted from the Abandoned and Discontinued Roads Commission's primary duty, which is solving problems of loss of access on such roads. The Commission needs to be allowed more meetings per year in order to address those duties.

Maine's population growth highlights the importance of clear and enforceable laws regarding public easements. The current lack of clarity in the law creates confusion and hardship for many landowners seeking to access public easements. Strengthening legal framework will ensure fair and equal access for all, fostering a more inclusive and welcoming environment for everyone.

Respectfully Submitted,



Neil Lanteigne
18 Ellingwood Road
West Paris, Maine 04289
Phone: 207-370-4727
Email: nlanteigne@hotmail.com

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Paris

LD 2264

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