



Maine County Commissioners Association

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LD 2264, An Act to Further Clarify the Meaning of “Private Road” and “Public Easement” in Certain Provisions of Maine Law

March 19, 2024

Chair Nangle, Chair Stover, and members of the Joint Standing Committee on State and Local Government, my name is Stephen Gorden and, in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in support of LD 2264.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine’s county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine’s counties, and is governed by a board with representation from each participating county.

Background. The Maine Abandoned and Discontinued Roads Commission was established by the Legislature pursuant to P.L. 2021, chapter 743 to consider various issues related to Maine local road law. The Commission is comprised of twelve members, including a member representing county government, and is required to submit a report of its activities and any recommended statutory changes to this Committee by February 1, 2023, and annually thereafter. 23 M.R.S. §3036. Most recently, the Commission was directed to “review the following terms in the Maine Revised Statutes: ‘private way’; ‘public way’; ‘private road’; and ‘public easement’” and “determine whether changes to current law would improve understanding and use of these terms throughout the Maine Revised Statutes.” P.L. 2023, chapter 387. The Commission met eight times over the course of 2023 and 2024 to complete its work and issued its annual report on January 5, 2024. The annual report included proposed legislation recommending various statutory changes.

Discussion. LD 2264 is based on the legislation proposed by the Maine Abandoned and Discontinued Roads Commission in its January 5, 2024, report. Among other things, the proposed legislation changes the term “private way” to “public easement” and defines “private road” in the laws governing repairs and maintenance of public easements and private roads. It is our understanding that the Commission plans to recommend an amendment to the bill to change the language in each relevant definition of “public easement” to include “year round” maintenance by the municipality throughout several places in the draft bill that does not currently contain such language. Our Association appreciates the work of the Commission over the last several months and supports each of its proposed amendments – including the anticipated amendment related to “year round” maintenance. As a result, we write to support LD 2264.

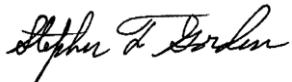
Conclusion. We appreciate the opportunity to provide testimony in support of this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Comments of MCCA re LD 2264

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Respectfully submitted,



Stephen Gorden
Chair, Legislative Policy Committee

cc: Commissioner Robert Dutremble, President, MCCA
 James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel