



Maine County Commissioners Association

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March 26, 2025

Sen. Joseph Baldacci, Chair
Rep. Suzanne Salisbury, Chair
Joint Standing Committee on State &
Local Government
100 State House Station
Augusta, ME 04333

Re: ***LD 928, An Act to Maintain Public Access to Town Ways in Maine***

Dear Members of the State and Local Government Committee:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony to the Committee ***neither for nor against*** LD 928. The treatment of abandoned and discontinued roads in Maine is complex and involves many competing interests. At the same time, the Legislature established the Maine Abandoned and Discontinued Roads Commission to address these complex issues. For this reason, we recommend that the Commission should first have an opportunity to review the bill and understand the issues.

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.

What does LD 928 do? This legislation seeks to amend 23 MRSA §3028-A, sub-§11 to ensure that public easements on discontinued town ways remain unobstructed.

Discussion. Public access to town ways is fundamental to the connectivity and functionality of our communities. These ways serve not only as conduits for transportation but also as vital links for emergency services, commerce, social interaction and access to land locked parcels. Ensuring that public easements remain accessible, even after the way has been discontinued by abandonment, aligns with our commitment to serve the public interest and maintain the infrastructure essential for the well-being of Mainers.

For the unorganized territories, jurisdiction over county roads falls to county government. For this reason, the Maine County Commissioners Association takes keen interest in this bill.

In setting policy regarding town ways that have been abandoned but a public easement has been retained, it is important to note that the issues are very complex. Sometimes the issues relate to maintaining such ways, or who is responsible for paying to maintain such ways. In other instances, the issues might relate to maintaining the integrity of town ways, for example, during mud season when travel could damage the roadways. Plus there are further issues related to ensuring access to town ways where multiple abutters are involved. These complexities make legislating in this arena challenging.

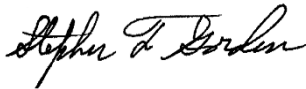
Because of these complexities, the 130th Maine Legislature enacted PL 2021, ch. 743, "*An Act to Establish the Maine Abandoned and Discontinued Roads Commission.*" That new law directed the formation of the

Abandoned and Discontinued Roads Commission as a standing body that would consider specific topics related to abandoned and discontinued roads, prioritize additional issues and matters of importance to listed parties, and submit an annual report to the Legislature by February 1 of each year. The Commission is made up of numerous stakeholders, including representatives of the Attorney General's office, Maine Municipal Association, Maine Woodland Owners, county government, MDOT, Maine Snowmobile Association and more.

Since the Commission was not made aware of the proposed law and given the Commission is in place and charged with reviewing laws and issues related to abandoned and discontinued town ways, we would recommend holding off on this bill to allow the Commission to review and consider the issues. This is particularly important since, in our review of LD 928, it does not accurately consider differences between "abandoned" and "discontinued" town ways, it sets time frames that require more analysis, it gives new rights to abutters that need more consideration, and it sets policies favoring keeping roads free of gates even in circumstances where posting a road might be needed to preserve it.

Conclusion. We believe that LD 928 is well-intentioned, and the policy of maintaining use of such roads is important, but we think that the language in this bill needs to be reviewed by the Abandoned and Discontinued Roads Commission before any action is taken. Thank you, and please let us know if you have questions or need additional information.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel

