

Senator Baldacci, Representative Salisbury, and distinguished members of the Joint Standing Committee on State & Local Government,

My name is Daniel Davis, I live in southern Oxford County (*Porter, Maine*) and present to you as licensed CEO and LPI in my own community, with no interest other than having current and reasonable laws in place that support faster local response to immediate public health and safety risks.

I am testifying in **SUPPORT** of [LD 1417](#), "***An Act to Strengthen the Authority of Local Officials to Enforce Provisions Regarding Dangerous and Nuisance Properties that Constitute a Threat to Public Health and Safety***"

In an era of unmitigated multiple crises in Maine (*drug, mental health, and housing crises*), the outdated, lengthy and costly litigation tools that are left accessible to local civil servants have been found to be infeasible, inappropriate, inadequate, and disproportionate to the needs of today.

Our abandoned property Laws are largely over a decade old, and pre-date an 18-month pandemic shut-down which escalated multiple simultaneous crises throughout this state (*drug, mental health, and homelessness*). In addition, 80K land use litigation alone is completely irrelevant in addressing problems in this day and age. We need to be more innovative.

An estimated 18 months and \$10,000 in court and frontloaded court costs to reactively address immediate health risks such as trash burning, rat infestations, squalor, and filth manifesting in our communities is unreasonable for both parties. The process is rigid, overtly punitive to the property owner, excludes public participation, prevents establishing support networks, avoids confronting drug and mental health issues, and often does not resolve the immediate threats or the underlying problem(s) that will resurface.

An average 18-month trudge through litigation and \$10,000.00 invested is what a **Fire Warden/Chief** has to do when a belligerent property owner or tenant refuses to tend to an open, unpermitted fire consisting of toxic plastics and garbage, choking out neighbors and burning perilously close to abutting structures. **This is unacceptable and unattainable, so it often does not occur and the threat lingers until someone dies, is injured, or the fire burns down to a black smolder.**

An average 18-month trudge through litigation and \$10,000.00 invested is what a **Local Health Officer and/or CEO** has to do when discovering evidence of standing piles of rotten garbage, used diapers, and bags of human waste breeding flies, roaches, and rats. **This is unacceptable and unattainable, so it often does not occur and the threat lingers until someone dies, is injured, or becomes ill.**

Utilizing **Title 14 Abandoned Property Laws** more effectively allows for increased local democracy, community re-building, pulling of resources, discussing the core issues, establishing support networks, and applying appropriate solutions in a shorter timeline. These are positive things. And the average response time and cost burden of this approach, while still too long, can be *reduced* to three to four months and \$1000.00, which is also helpful to most low-tax base communities contending with upkeep of road infrastructure, relentless inflation, and increased unfunded State mandates.

I have attached several proposed amendments to this LD1417, recommended to help assist the laws in being even more functional in this era, and allowing them to function as they were originally intended (*for assuring public health and safety*):

MRSA 14 §6326. Order of abandonment for residential properties in foreclosure

2. Evidence of abandonment. For the purposes of this section, evidence of abandonment showing that the mortgaged premises are vacant and ~~the occupant has no intent to return~~ **abandoned** may include, but is not limited to, the following:

MRSA 14 §6327. Abatement of nuisance and preservation of property by mortgage loan servicer

~~C. One or more written statements signed by the homeowner indicate a clear intent to abandon the mortgaged premises. [PL 2019, c. 647, §1 (NEW).]~~

30-A §3106-A. Municipal authority to manage abandoned mobile homes

4. Determination of abandonment. Before a municipality may initiate corrective measures to address property defects pursuant to this section, either a court or the municipal officers must have determined that the mobile home has been abandoned according to the evidence of abandonment described in Title 14, section 6326, subsection 2, paragraph A, ~~B~~, C, D, E, F, G or H.

MRSA 30-A §3106-B. Municipal authority to manage abandoned properties

4. Determination of abandonment. Before a municipality may initiate corrective action measures to address property defects pursuant to this section, either a court or the municipal officers must have determined that the property has been abandoned according to the evidence of abandonment described in Title 14, section 6326, subsection 2, paragraph A, ~~B~~, C, D, E, F, G or H.

MRSA 36 §946-C. Abandoned tax-acquired property

1. Evidence of abandonment. For the purposes of this section, evidence of abandonment showing that the property taken for nonpayment of property taxes is vacant and ~~the occupant has no intent to return~~ **abandoned** may include, but is not limited to, the following:

M.R.S.A 22 §1561. Removal of private nuisance

When any source of filth whether or not the cause of sickness is found on private property and determined to be potentially injurious to health, the owner or occupant thereof shall, within **24 hours** after notice from the local health officer, at the owner's or occupant's own expense, remove or discontinue it. ~~If the owner or occupant neglects to do so or unreasonably delays doing so, the owner or occupant forfeits a sum not exceeding \$300.~~ The local health officer shall cause the nuisance to be removed or discontinued, and all expenses thereof must be repaid to the town by the owner or occupant or by the person who caused or permitted it. Enforcement of this section must be in accordance with Title 17, 36 chapter 91, subchapter 4 or Title 30-A, section 3106-B.

I respectfully request that the committee vote **OUGHT TO PASS** on **LD 1417 with the above proposed amendments included.**

Daniel Davis - CEO/LPI - #2202/Alt AO
Town of Porter, Maine (Oxford County)
4.13.25

Commented [1]: This does not permit the abatement of immediate public health and safety threats, and neglect is inherently abandonment. A property can be abated of a public and common nuisance without removal of the tenant, this existing subsection nullifies the efficacy of the law.

Commented [2]: This does not permit the abatement of immediate public health and safety threats, and neglect is inherently abandonment. A property can be abated of a public and common nuisance without removal of the tenant, this existing subsection nullifies the efficacy of the law.

Commented [3]: "Rubbish, trash or debris has observably accumulated on the mortgaged premises" – this attracts pests, rodents, and disease, tethering to public health and should be included here as indica of abandonment, **Abandoned property is construed when a property or building in the town has become by reason or want of cleanliness or other cause, unfit for such purpose and a cause of sickness to the occupants or the public, or when a source of filth whether or not the cause of sickness is found on private property and determined to be potentially injurious to health**

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Commented [5]: This does not permit the abatement of immediate public health and safety threats, and neglect is inherently abandonment. A property can be abated of a public and common nuisance without removal of the tenant, this existing subsection nullifies the efficacy of the law.

Commented [6]: When this does not occur, when the person simply says, "NO", the process and clock starts for an 18 month litigation process that costs an average of \$10k, leaving the health threats to remain.

Commented [7]: This section is not indexed for inflation, does not change behavior, is superseded by current the current legal construct, and is legally unenforceable.