

Senator Carney, Representative Kuhn, Members of the Judiciary Committee:

My name is Roberta Manter, and I am the founder of Maine ROADWays - (Residents & Owners on Abandoned & Discontinued Ways.) I am testifying in favor of LD 1022. I speak for people statewide who have problems with abandoned and discontinued roads. I get about one new complaint a week, or more. Problems range from conflict between who can use the road and who has to maintain it, to one landowner denying another **all access to their home**. Many disputes can only be resolved in court. But many residents on these roads bought their property because it was cheap, and that was all they could afford. Then they find themselves pouring money into the road while others tear it up, or find they have **no** access to their home, and they can't afford an attorney. They desperately need representation.

Too often, law enforcement tells them, "This is a civil matter. Take it to court." In frustration, people often take matters into their own hands. Some bully their way through to open up a road with a bulldozer. Others put up a locked gate, a row of boulders, or both, denying access to other homes. So a person comes home from work and finds they can't get to their home because there is a locked gate blocking the road. There have been many reports of people brandishing a range of weapons, including an iron bar, a hatchet, a medieval style battle axe, and even firearms. One person's pigs were poisoned. If people had better access to the court system, escalation could be averted before these situations end up like the Hatfields and McCoys.

One man was assaulted, breaking his eye socket and several ribs, simply for walking on an abandoned road that led to his property. The attacker claimed it was "citizen's arrest for trespassing," although there was evidence that the road was in fact a "public easement" and therefore open to "unfettered public use." The victim of the assault can't afford an attorney, and is still waiting for his day in court. But without an attorney, what are the chances of his getting justice?

When I married my husband in 1981, he had a pending lawsuit against a logging firm that had utterly destroyed the discontinued road that he had rebuilt for access to his home. I remember his attorney saying it had taken him some time to wrap his head around the idea that his time was worth a dollar a minute. Now the rate is five dollars a minute and up. A person on minimum wage would have to work **half a week** to buy **one hour** of an attorney's time.

My husband won the lawsuit, but it did not, as we had hoped, determine the legal status of the road. It simply said the logger had to reimburse him for the gravel he had put into the road. (His time was not included.) So the logger paid him \$1,500, and the attorney kindly reduced his bill to just \$1,800. We had \$300 LESS to rebuild the road than if he had not filed suit. And since the suit failed to determine the legal status of the road, problems continued. Then the town sued us to prove the road abandoned with a public easement retained. We couldn't afford an attorney again, and as pro se litigants, we didn't have a chance. The opposing attorney convinced the court that a 1976 law authorized the county to take an action in 1945 that was not authorized under 1945 law. After that there was a new logging operation about every two years for the next twenty, until most of the wood was gone. Cleared land was sold for homes, without warning the buyers about the road. We now maintain 3/4 mile of public road at our own private expense.

How different might our lives have been all these years if we had been able to get legal representation then?

Unfortunately, it often takes court action to determine the true legal status of an abandoned or discontinued road. I could tell you many stories about the injustices people suffer on these roads as the result of unresolved ambiguity. Some are veterans with PTSD who seek a quiet place away from people, but instead find themselves in the middle of controversy over the road. Some are young homesteaders who have dreams of being as self-sufficient as possible, but find that abuse of the road by others keeps them pouring their meager finances into gravel. And if the road becomes impassable at certain seasons because they cannot stop others from abusing the road, it may be difficult for them to hold a steady job. Some are senior citizens on a fixed income who can't afford a house in town, but who were not expecting that use of the road by mud runners would mean the road becomes impassable for several weeks each spring. And then there are those who have built a home, or winterized an existing camp, only to find that after they have moved in, another landowner resents them using the road daily and puts up a locked gate. It would make a tremendous difference to residents on abandoned or discontinued roads if they had access to affordable legal representation to help sort out the rights and obligations of those involved.

The Maine Constitution Section 19 says, “**Every person**, for an injury inflicted on the person or the person's reputation, **property** or immunities, shall have remedy by due course of law; and **right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay**. How is justice administered “freely and without sale” if it is only available to those who can afford to buy it? Maine needs to find a way to provide legal representation to everyone who needs it. You swore to uphold the Constitution. Please vote LD 1022 “Ought to pass.”