

Senator Baldacci, Representative Salisbury, Members of the State and Local Government Committee,

My name is Roberta Manter, and I am a resident of Fayette. I am testifying in favor of LD 1566. For the past three years I have shared my 40+ years of lived experience with the Abandoned and Discontinued Roads Commission. I am one of the lucky ones in that I am retired, have few commitments that are not easily rescheduled, and I live within 45 minutes of Augusta. I have read the written testimony others have submitted in support of this bill, and I see that many of them are parents with young children, including children with disabilities. Some must travel great distances to serve, for which they get paid nothing. I cannot imagine the sacrifices these dedicated Commission members are making in order to serve.

I imagine their experience with Commission duty is similar to mine. It takes a huge time commitment. Not only are there meetings to attend, but there may be voluminous reports to read and to contribute to. And I expect they, like me, are not speaking only for themselves and for their families but for many others they know who are in a similar situation. It is a heavy responsibility to represent the needs and concerns of those who cannot be there in person. Doing so requires keeping in touch with those whom they represent, which consumes more time and emotional energy.

To add to the difficulty, there may be others who serve on the same commission who are professionals and who may therefore assume they are the experts and know what is best. But as those of us who have lived experience can tell you, there is no substitute for having actually learned from the circumstances that are being addressed, not just by observing them from the outside, or by having sat in a classroom and earned a degree, but by having lived with them day after day, year after year, with little respite. Moreover, the many sleepless nights give them a passion for the subject, producing a high degree of dedication to their service on the Commission. I would be willing to bet that in spite of unavoidable challenges related to the topic on which they serve, they probably have a better attendance record at commission meetings than many of the professionals whose loyalties are divided.

People with lived experience have had time to consider possible solutions to the problems at hand, and to test whether they actually work in practice, or whether they will ultimately fail, and if so, why. I can give a couple of examples from my own pre-commission experience. In 2017 the Judiciary Committee was presented with a statute that would have required sellers of real estate to disclose if the access to a residential property was over a private road. I suggested they not limit it to private roads, but include any road not maintained by the public. That would cover discontinued and abandoned roads as well as private roads. Coincidentally, the State and Local Government Committee was at the same time considering what could be done to help people on discontinued roads. I suggested that while the Judiciary Committee's bill would cover sales of residential properties, it would not cover sales of non-residential properties. Many people buy undeveloped land with intent to build a home on it, and they need to know if the property will remain accessible. The State and Local Government Committee agreed, and crafted their own bill. Both bills passed, and over the next few years were hugely successful in making people aware that the access to the home or land they were considering buying was not maintained by

the public.

Then in 2021, the Judiciary Committee considered another bill that would say when two or more residences share a “private road or private way,” in the absence of any road association it is assumed the abutters share equally in the cost of maintenance. I pleaded with them to make sure it could not be applied to discontinued roads which remain “private ways”, as that would open a horrible can of worms. As it turned out, my worst fears were confirmed. The bill passed with the words “private way” deleted, but there was no clear definition of what qualifies as a “private road.” Some have taken it to mean any road that is not public. As a result, I have seen multiple situations where a buyer has been assured that the access to the property was over a private road with maintenance shared by the abutters, when in fact the access is a discontinued road that is still open to public use although there is no public maintenance. Private maintenance of a public road can be costly, and raises questions of constitutionality and liability. Worse yet, in many cases it is a road that was discontinued *without* any easement being retained - they are in fact being sold a landlocked parcel, while being assured it has access over a private road with maintenance shared by the abutters. My decades of lived experience enabled me to anticipate a problem no one else believed existed. Unfortunately, the voices of the “experts” prevailed.

I’m sure the others who submitted testimony could tell you similar stories of how they have brought their insight to the commissions on which they serve. Without this connection to real life, new legislation to try to solve an existing problem would be more likely to cause new unanticipated problems.

In short, there is no substitute for lived experience. Those who use that experience to serve on Commissions contribute the depth of knowledge gained by years of total submersion in a subject. They deserve to be compensated in some way for their service.