

Testimony of the Maine Municipal Association

In Support for

LD 1953 - An Act to Ensure Public Access to Conservation Land by Providing Protections from Liability to Landowners

May 12, 2025

Senator Talbot Ross, Representative Pluecker, and esteemed members of the Agriculture, Conservation, and Forestry Committee, my name is Rebecca Graham, and I am submitting placeholder testimony on behalf of the Maine Municipal Association's Legislative Policy Committee (LPC) who have not had the opportunity to review LD 1953 to take a formal position but will do so on Wednesday. If the committee has not taken a position on bill before that time, I will submit updated testimony following our LPC meeting.

It's important to note there is already limited landowner liability in existing statutes and under Title 12 for recreational easements. A landowner must have intentionally willingly or negligently caused the conditions that result in harm to the public for the benefit of providing access to lands. This bill does provide additional benefit for the act of harvesting which can include harvesting of native species that include season fiddlehead harvest, rock weed, or adjacent wild blueberry fields, and may potentially impact the desire of individuals to open their lands.

The committee may want to consider how to protect the landowner for the harvesting of resources that belong to them by are a direct result of providing access to shorelands intended for the enjoyment but not harvesting activity under public access. Where the harvesting is allowed, individuals should be protected from liability of injury caused as a result of that activity.

I will update the committee with the official position of the MMA and our LPC following Wednesday's meeting.