



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive | Augusta, ME 04330-9486

1-800-452-8786 (in state)
(T) 207-623-8428
(F) 207-624-0129

Testimony of the Maine Municipal Association

In Opposition To

LD 1562 – An Act Regarding Municipal Road Standards

April 1, 2025

Sen. Nangle, Rep. Crafts, and distinguished members of the Transportation Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1562 at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

MMA is grateful to the sponsor, Rep. McIntyre for reaching out to us in advance of submitting this bill so that the Association could provide additional information to our Legislative Policy Committee as they deliberated this bill to understand the issue trying to be addressed.

Municipal officials are concerned about a state level body determining what standards a local road which may have been a previous carriage trail at the response of a petition for a town to keep a street at a certain level of repair that might be a disproportionate expense for the public benefit. The number of road miles and the number of individuals paying for that burden in Maine is extremely disproportionate to the need. New residents have increasingly purchased property sight unseen and previously seasonal and desire to have additional maintenance including pavement that is not a required condition of a safe and convenient road but may be what an individual expects without an understanding of local cultural reality.

Currently, municipalities have the right, but not the obligation, to maintain a road that it has formally discontinued. Courts have consistently recognized this tool as a balance between the extensive cost asked from a handful or property taxpayers, and the public benefit to maintain a road that serves often seasonal properties. A community may decide in future to accept a road for maintenance once a property is developed and serves far more public need than a single residence and limited use. Often, municipally funded road improvements can be used as part of credit enhancement agreements to spur development. Individuals can petition to add a warrant to the annual meeting to ask for greater maintenance and it is the people who must pay for that through their property tax bills and municipal budget adoption. They decide to do this on a regular basis, but you most often hear about the communities have not.

The Abandoned and Discontinued Roads Commission (ADRC) was established to hear about these road-related issues and make recommendations for legislative changes, if possible, to address them. One consistent conversation we have is making it clearer that a municipality can provide some maintenance to a previously discontinued road where it continues to hold an easement without triggering a need for this to continue or accept the road. There continues to be angst around this because it is not spelled out in statute and courts have established the test for a road to be safe and convenient which is a fact-based decision that some residents disagree with both municipal and Department interpretation of in practice.

The department has offered to increase education to municipalities through their Road and Bridge Ranger program to assist with technical support for questions for municipalities and the ADRC will continue to review how to make it clear that exercising the right to maintain an easement will not trigger an ongoing obligation. Officials believe this is a sensible path forward.

We hope the sponsor will continue to let us work on these issues together and better support small rural communities and larger communities wrestling with these complex issues which have historically been made more complex to address findings of fact each time the statute is amended. However, we are unable to support the bill as drafted.