

STATE OF MAINE  
COUNTY OF PENOBSCOT  
COURT OF COUNTY COMMISSIONERS

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**Wednesday, April 23, 2025**

**RE : LD 1562 / Testimony in support**

**Joint Standing Committee for Transportation**

Good afternoon Senator Nangle, Representative Crafts and the honorable Members of the Joint Standing Committee on Transportation.

The Penobscot County Commission wishes to convey our unanimous support of LD 1562 "An Act Regarding Municipal Road Services".

Also known as our "pothole law", 23 M.S.R.A. 3651 requires municipalities to keep their town ways in good repair with a subsequent unclear, conflicting standard of "reasonable care" regarding the town and the traveler. The ambiguous language of Sec 3651 and its relief provision Sec. 3652 dates from the late 1800's and has not been invoked in over 120 years.

This issue resurfaced in 2024 in Lowell, Maine. What this means to us today is that if any 3 persons (undefined term) in any city, town, or municipality in Maine has a concern about road conditions (as defined in Sec 3651) in their community they could rightfully petition their County Commission (Sec.3652) to convene a hearing on the matter.

By State law the subsequent ruling by the Commission would be binding on the involved parties which could effectively interject the County into the area of local road repair, maintenance, and scheduling.

I'm not quite sure how well this may have resonated to our colleagues in the 1800's but I'm equally unsure that continuation of this policy is a wise policy in the year 2025.

We urge your support for LD 1562 which provides for the amending of Sec.3651 and the repeal of Section 3652.

Sincerely,

David S. Marshall