



Stacy Brenner
Senator, District 30

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Stacy Brenner introducing

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

Before the Joint Standing Committee on Agriculture, Conservation and Forestry

May 13, 2025

Senator Talbot Ross, Representative Pluecker and esteemed members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Stacy Brenner and I represent Senate District 30, which includes most of Scarborough and all of Gorham. Thank you for the opportunity to speak today to introduce LD 1953, "*An Act to Ensure Public Access to Conservation Land by Providing Protections from Liability to Landowners*."

This bill strengthens Maine's long standing tradition of access to private land for public recreation. It does so by providing a narrow but essential clarification in our liability laws: when a landowner grants an easement for *perpetual public access* for recreational or harvesting activities, they should retain the same liability protections they relied on at the time of the grant. That protection should be durable — it should not be vulnerable to later reinterpretation or erosion.

LD 1953 does three key things:

1. **It clarifies liability protection** for landowners and easement holders who *explicitly grant public access in perpetuity* — such as for hiking, hunting, snowmobiling, or other outdoor activities.
2. **It creates certainty** by recognizing these grants as carrying a **vested property right** to liability protection, one that runs with the land and applies to heirs, successors, and assigns.
3. **It supports public access** by reducing fear among landowners that, by opening land for recreation, they might be exposing themselves to future legal risk — even when they've acted in good faith and made recorded agreements.

This bill responds to growing concerns within the conservation community that ambiguity in current law could chill future agreements that support public recreation — particularly perpetual access easements recorded in county registries.

Maine is blessed with generous landowners and a robust network of land trusts and conservation partners. But public access only works when those who offer it — either through ownership or easement — can rely on stable legal protections.



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Without this legal certainty, we risk fewer access agreements being made in the future — and potentially even the retraction of some current access if protections are weakened or unclear.

Let me be clear: LD 1953 does *not* expand immunity recklessly. It does *not* grant a blanket exemption from responsibility for negligence or willful harm. It simply ensures that landowners who grant recorded, perpetual public access under Maine's current liability framework retain that same framework in the future.

This bill has the support of conservation stakeholders and land use experts. It's a narrowly crafted measure that reinforces Maine's core value of shared access to the outdoors.

I urge the Committee to vote Ought to Pass on LD 1953. I would be happy to answer any questions you may have.

Respectfully,

A handwritten signature in black ink, appearing to read "Stacy Brenner".

Senator Stacy Brenner