

margaret cardoza
portland
LD 994

Dear Judiciary Committee:

I am in favor of LD 994 BUT only if you define that a private road does NOT include discontinued roads. These 2 types of roads are extremely different, thereby in the court of law and homeowners shall find there is a contradiction in the meaning of the roads.

The amendments currently presented for only private roads allows more clarity to the responsibilities to private road owners on their due process rights to assure the roads are maintained to allow emergency vehicles access to the property and protection for VR mortgages, thereby I am in favor of those amendments.

This law was originated by Maine's realtor and bank associations because properties with 3 or less were difficult to be sold to assure bank mortgages were protected on behalf of the owners property. Whereas, the private way law Title 23:3101 states that the definition of private ways includes public easements of more than 4 properties, leaving roads with less than 3 unprotected. Therefore it was necessary to create a separate title for private roads only, which is why title 23:3121 was established. Unfortunately, discontinued roads have been misunderstood and is NOT applicably defined as a private road. Thereby I plead with you to amend this bill to add that discontinued roads does not apply to title 23:3121. Thank you.