

**An Act To Establish the Maine Abandoned and Discontinued Roads Commission**  
**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** **5 MRSA §12004-I, sub-§74-M** is enacted to read:

**74-M.**

<u>Roads</u>	<u>Maine Abandoned and Discontinued Roads Commission</u>	<u>Expenses Only</u>	<u>23 MRSA §3036</u>
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**Sec. 2.** **23 MRSA §3036** is enacted to read:

**§3026. Maine Abandoned and Discontinued Roads Commission**

The Maine Abandoned and Discontinued Roads Commission, referred to in this section as "the commission," is established by Title 5, section 12004-I, subsection 74-M.

**1. Members.** The commission consists of the following 12 members:

A. One member who is an employee of the Department of Inland Fisheries and Wildlife, designated by the Commissioner;

B. One member who is an employee of the Department Agriculture, Conservation and Forestry, designated by the Commissioner

C. One member who is an employee of the Maine Department of Transportation, designated by the Commissioner;

D. One member who is an employee of the Office of the Attorney General, designated by the Attorney General; and

E. Eight members appointed by the President of the Senate and the Speaker of the House as follows:

(1) One member of a statewide association representing municipalities appointed by the President of the Senate who shall consider any recommendation made by the association;

(2) One member of a statewide association representing county governments appointed by the Speaker of the House who shall consider any recommendation made by the association;

(3) One member of a statewide association representing Maine's woodland owners appointed by the President of the Senate who shall consider any recommendation made by the association;

(4) One member of a statewide association of attorneys who has expertise in real estate law appointed by the Speaker of the House who shall consider any recommendation made by the association;

(5) One resident of the State who owns real property abutting an abandoned and discontinued road appointed by the President of the Senate;

(6) One member of the public not directly affected by matters related to abandoned and discontinued roads appointed by the Speaker of the House;

(7) One member of a land trust organization appointed by the President of the Senate who shall consider any recommendation made by the organization; and

(8) One member of a statewide organization representing all-terrain vehicle users or snowmobile users appointed by the Speaker of the House who shall consider any recommendation made by the organization.

**2. Duties.** The commission shall:

A. Prioritize matters for consideration by the commission by determining which matters related to abandoned and discontinued roads have a significant negative impact, qualitatively or quantitatively, on owners of property abutting the road, recreational users of the road, members of the public, municipal, county or state governments and the physical integrity of the road and surrounding land

B. Include the following as priority matters for consideration by the commission:

(1) Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned and discontinued road;

(2) Public easement retention over an abandoned and discontinued road, including scope of permitted and actual public use;

(3) Statutory terminology; and

(4) Current statutory process for abandonment and discontinuation of a road, including, barriers to determining the legal status of a road.

C. Develop recommendations on matters prioritized by the commission pursuant to paragraph A.

D. Review legislation affecting abandoned and discontinued roads and provide information to joint standing committee of the Legislature upon request.

E. Recommend statutory changes on matters prioritized by the commission pursuant to paragraph A.

**3. Chair.** The members of the commission shall elect from among themselves a chair who serves a three-year term. The chair continues to hold the office until a successor is elected and may serve multiple terms. The chair calls and presides over meetings of the commission. In the absence of the chair, the member representing the Department of Inland Fisheries and Wildlife or the member representing the Department of Agriculture, Conservation and Forestry may preside over meetings.

**4. Term of office.** Members of the commission serve a 3-year term except that a member may serve after the expiration of their term until a successor has been appointed. Members may serve multiple terms.

**5. Meetings.** The commission shall meet at least 3 times, but no more than 6 times each year.

**6. Subcommittees.** The commission may approve subcommittees to meet to conduct the work of the commission. Subcommittees may invite persons who are not members of the commission to participate in a nonvoting capacity.

**7. Remote participation.** The commission may conduct meetings using telephonic, video, electronic or other means of remote participation if agreed to by a majority of members.

**8. Public comment.** The commission will accept public comment during its meetings.

**9. Support Staff.** The Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry shall alternate providing staff support to the commission alternating every 3 years.

**10. Bylaws.** The commission may, by a majority vote of the members, adopt or amend bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes or exercise the powers of the commission. Prior to adoption or amendment of bylaws, the commission shall ask the member representing the Office of the Attorney General to review the bylaws and provide comments to the commission.

**11. Report.** By February 1, 2023, and thereafter by December 15 of every even-numbered year, the commission shall submit a report of its activities and any recommendations for changes to laws to the Joint Standing Committee of the Legislature having jurisdiction over state and local government matters, the Joint Standing Committee of the Legislature having jurisdiction over agriculture, conservation and forestry and the Joint Standing Committee of the Legislature having jurisdiction over inland, fisheries and wildlife matters. If the commission recommends changes to law, the committee with jurisdiction over that law may report out a bill related to the recommended changes to the Regular Session of the Legislature meeting in the odd-numbered year.

**Sec. 3. Initial meeting.** The member representing the Department of Inland Fisheries and Wildlife shall call the first meeting of the commission within 60 days of the effective date of this Act.

**Sec. 4. Initial terms.** Notwithstanding Maine Revised Statutes, Title 23, section 3036, subsection 4, the following members of the Abandoned and Discontinued Roads Commission serve an initial term of 2 years.

1. The member representing the Maine Department of Transportation;
2. The member representing the Office of the Attorney General;
3. The member representing a statewide association representing county governments;
4. The member representing a statewide association of attorneys who has expertise in real estate law;
5. The member representing the general public; and
6. The member representing a statewide organization representing all-terrain vehicle users or snowmobile users.

**SUMMARY**

This amendment replaces the original bill. It establishes the Maine Abandoned and Discontinued Roads Commission. The Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry shall provide staff support to the commission alternating every 3 years. The commission is charged with: (1) prioritizing matters related to abandoned and discontinued roads that have a significant negative impact, qualitatively or quantitatively, on owners of property abutting the road, recreational users of the road, members of the public, municipal, county or state governments and the physical integrity of the road and surrounding land; (2) developing recommendations to address the prioritized matters; (3) recommending statutory changes; and (4) reviewing legislation. The commission must report to the Joint Standing Committee of the Legislature having jurisdiction over state and local government matters, the Joint Standing Committee of the Legislature having jurisdiction over inland fisheries and wildlife and the Joint Standing Committee of the Legislature having jurisdiction over agriculture, conservation and forestry by February 1, 2023, and thereafter by December 15 of every odd-numbered year. The committees have authority to report out a bill in response to the report.