

Senator Baldacci, Representative Matlack, Ladies and Gentlemen of the Committee on State and Local Government:

My name is Andrew L. "Sandy" Allen, and I live in Freeport. I am the President of the **Maine Alliance for Road Associations (MARA)**. MARA is a non-profit organization run by volunteers serving and representing its members who are homeowners on private roads in approximately 138 municipalities in Maine.

I am writing on behalf of our membership and Board of Directors in support of L.D. 1513 as amended, to form a permanent Commission to work on the problems of abandoned and discontinued roads. MARA applauds this worthy project and has 3 requests:

1. MARA respectfully requests that private roads be included in the scope of the Commission. There is considerable overlap in the problems of abandoned/discontinued roads and private roads.

First, confusing terminology surrounds both abandoned/discontinued roads and private roads in Title 23, Part 3, Chapters 304 and 305. In fact, the heading on Title 23, Chapter 305, Subchapter 2, "PRIVATE WAYS," is a misnomer. This is the subchapter that governs the formation of road associations. While road associations MAY be formed on discontinued roads, most are on PRIVATE ROADS. The term "private way" in Chapter 305, §3101 now refers to public easements as defined in Chapter 304, §3021. Most private roads are NOT public easements, although Chapter 305 also applies to those that are.

Second, neither abandoned/discontinued roads nor private roads are maintained at public expense.¹ Lack of maintenance on these roads leads to problems with emergency access, reduced services, erosion and its effect on lake water quality, and questions of property tax fairness. These issues are common to both abandoned/discontinued roads and private roads.

A third and pressing concern for abandoned/discontinued roads and private roads is the question of whether ATVs are allowed. This is particularly worrisome in the Town of Windham. As you know, residents there had hoped last year's private and special legislation would enable them to solve the problem of public snow removal by forming road associations and dedicating their private roads as public easements. However, the Windham Residents

¹ Private ways, which are public easements, being the possible exception.

are now being told that the above legislation may open their roads to being ATV connector trails, which would exempt these roads from the requirement that ATV trails be at least 200 feet from all dwellings. Residents on abandoned/discontinued roads already have problems with ATV damage, and it looks like this may happen on private roads as well.

2. MARA respectfully requests that a member be added to the Commission who resides on a private road and/or who represents other such residents statewide. We have preliminary data to suggest that a surprising number of Maine residents live on private roads. For example, Phippsburg has 46 public roads and 205 private roads; Thomaston has 12 public roads and 89 private roads; Freeport has 87 miles of public roads and 49 miles of private roads. Freeport has not accepted a new public road in 30 years.

3. MARA respectfully requests that Member 5 on the Commission be a person who resides on an abandoned/discontinued road and/or who represents other such residents statewide.

I ask you to vote this important legislation “ought to pass,” and urge you to consider expanding the duties of the Commission to include private roads. Thank you for your time.

Sincerely,

Sandy
Andrew L. Allen, President/Administrator
Maine Alliance for Road Associations
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