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Testimony in Support of LD 1513 (“An Act to Require the Maintenance of a Discontinued Public Road That Provides the Sole Access to One or More Residences”)

J. Andrew Cashman on behalf of the Maine Association of REALTORS®

April 30, 2021

Senator Baldacci, Representative Matlack and members of the Joint Standing Committee on State and Local Government, my name is Andy Cashman. I am a Partner at Preti Flaherty and I am here on behalf of my client, the Maine Association of REALTORS®, which is a professional trade association with over 5600 members state wide. My members represent both buyers and sellers and are involved in both residential and commercial transactions. Our membership also includes affiliates, which are those professionals involved in real estate transactions, such as bankers, closing agents, title agents, appraisers, building inspectors, surveyors, etc. The Maine Association is a member of the National Association of REALTORS® (NAR) which is the largest trade association in the nation.

The Maine Association of REALTORS® supports LD 1513. If passed, this bill requires in some situations, that a town must maintain a discontinued road in a passable condition to access residences on that road.

As you know, discontinued and private roads can quickly become very difficult problems. We strongly support private property rights, and we believe that access one’s property is a critical component of private property rights and the valuation of the property. As such, if a home is purchased or constructed with the understanding that the municipality will maintain the only road to access that home – and then the municipality later discontinues that road, the homeowner’s private property rights and property value are seriously impacted without compensation. This bill makes sure that the municipality must sufficiently maintain the road, so that it remains passable to access the property.

For these reasons, we urge you to vote Ought to Pass on LD 1513. Thank you for your time and consideration.



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