



COMMUNITY ♦ ADVOCACY ♦ KNOWLEDGE ♦ LEGACY

Testimony of Tom Doak
Executive Director
Maine Woodland Owners
In Support of
LD 1513

“An Act To Establish the Maine Abandoned and Discontinued Roads Commission”

Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Tom Doak, Executive Director of Maine Woodland Owners speaking today in support of LD 1513, “An Act To Establish the Maine Abandoned and Discontinued Roads Commission.”

The bill before you today seeks to take the next step forward in making incremental progress on the ongoing issue of discontinued and abandoned roads in Maine. This bill is the report of the Subcommittee on Discontinued Roads that met to examine issues and recommend legislation related to LD 1513 introduced during the last session.

First, I'd like to thank the Subcommittee for inviting me to participate in the meetings held over the fall and early winter. This is an important issue for Maine Woodland Owners and I appreciate having had the opportunity to present our views to the Subcommittee.

As you know from the Subcommittee's report back, consensus among the interested parties on issues related to maintenance of discontinued roads was not possible to achieve during the Subcommittee process. For Maine Woodland Owners, clarifying the scope of public easements on discontinued and abandoned roads particularly with respect to ATV use was and remains paramount. This is an issue we hear about from our members on a near-weekly basis.

When a public road is abandoned or discontinued all responsibility and liability for the road falls to the landowner to the center of the way. The landowner had none of this responsibility or liability prior to abandonment or discontinuance. The burden shifts to the landowner only when the municipality decides to abandon or discontinue the roadway. To impose this kind of burden and liability on the landowner and provide them with no protection in the form of limitation on the permissible uses or liability is unacceptable and the cause of significant ongoing conflicts.

Board of Directors

Doug Baston
President

Tom Allen
2nd Vice-President

Jeff Williams
Secretary

Seth Sprague
Treasurer

Hannah Carter

Terri Coolong

Mike Dann

Mark Doty

Chris Jackson

Richard Nass

Paul Sampson

Bill Weary

Chapter Leaders

Si Balch

Larry Beauregard

Joe Dembeck

Jim Ferrante

Dan Jacobs

Randy Lagasse

Merle Ring

Jeff Williams

It is my hope that the Abandoned and Discontinued Roads Commission that has been proposed will help resolve some of these ongoing conflicts surrounding permitted uses of public easements and provide some much needed clarity to landowners.

While I support the bill as written, I do have a few suggestions the Committee may want to consider:

- Consider adding a 3 year sunset provision. Given the staffing concerns that have been raised by the Departments, a sunset provision limiting the Commission's duration may make staffing the Commission more palatable. It will also ensure that the Commission prioritizes its work and the issues are not allowed to linger in perpetuity.
- Make the report back an annual report back to this and other committees of jurisdiction. This will keep the Commission in regular communication with the oversight committees regarding its work and the progress it is making on the issues before it.
- If the Departments of Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry are unable to staff the Commission, perhaps the Department of Transportation would be a more suitable "home." This is, at its core, a road issue and DOT has in-house legal expertise that could help parse through these complex issues.
- In the alternative, if no executive branch agency is a viable option to staff the Commission, the Commission could be structured so that the Legislative Council provides the necessary staffing services from the Office of Policy and Legal Analysis to the Commission, except during times when the legislature is in session. An example of a committee established using this framework is the Right to Know Advisory Committee.

Thank you again for inviting me to participate in the Subcommittee process and to provide testimony to you today. I am optimistic that this step forward will result in greater clarity around abandoned and discontinued roads in Maine. For that reason, Maine Woodland Owners supports the establishment of the Maine Abandoned and Discontinued Roads Commission and urges the Committee's favorable consideration of this amendment to the bill.