



## Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

### Testimony of the Maine Municipal Association

#### In Opposition To

*LD 1513- An Act To Require the Maintenance of a Discontinued Public Road That Provides the Sole Access to One or More Residences*

April 30, 2021

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Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Rebecca Graham, and I am providing testimony in opposition to LD 1513 on behalf of MMA at the direction of our 70-member Legislative Policy Committee.

From a policy perspective, municipal officials question why it is necessary to put this maintenance burden on the taxpayers. Going forward into the future, persons purchasing land and building homes on discontinued roads are aware that the road is discontinued. Existing recent law requires that sellers tell a buyer whether the access road to the property is maintained or not. Maintaining legally discontinued roads for residents who made a personal choice to move to an unimproved road is not the obligation of the rest of the taxpayers in that community.

The town's legislative body is in a better position to determine whether a road should be maintained or not. A town already may (but is not required to) maintain a public easement with the consent of the municipal legislative body. Town voters are in a better position to decide if the road should be maintained and if they are willing to pay for it.

These types of decisions have always rightly been within the sound discretion of local policymakers based on the unique circumstances and evolving needs of each case. The one-size-fits-all approach proposed by this bill totally ignores that tradition and unquestionably imposes a State mandate.

In practice in many municipalities, when a road is used as a throughway or a number of people live on the road, it is often maintained. As towns grow and develop, this is the natural process, and roads are added to the town budget.

If the town's legislative body has previously determined that the road in question should be discontinued, which involved a town meeting or council vote, again, the town's legislative body is in the best position to weigh the value of the road/access and the town's other commitments and fiscal resources. This bill would provide automatic road maintenance benefits for a road that supports only one family. The voters should decide when it is in the municipality's best interest to maintain a public easement and not have the state impose those costs on them.

Equally problematic is the insertion of County government into the decision-making process for local issues. County government is not the oversight body for municipal government. Municipal government is directly responsible to the voters of the community who determine what they are willing to pay for beyond their required mandates.

For all these reason, municipal officials are opposed to LD 1513 and suggest that individuals who feel their municipality should assume this obligation for their road and liability have those conversations with their neighbors and municipal government and make the case directly to the individuals who will pay for this obligation.