

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

My name is Tiffany LaClair, and I live in Jackson. I own property on an abandoned road. I am writing in support of L.D. 1513 as amended, to form a permanent Commission to work on the problems of abandoned and discontinued roads. These roads affect residents throughout the State of Maine, and the issues are complex, requiring more study than is possible during a single legislative session.

I also support Maine ROADWays proposed amendment. I agree that the Commission should include a RESIDENT ON such a road under Members D(5), and in Duties (A), not just a Maine resident who owns property on such a road. Landowners have representation through Members D(3).

My Husband and I moved onto this road 7 years ago and have been battling public easement rights and road issues since we moved in. We have had to spend thousands of dollars in maintenance, to have it get destroyed in a single season either to All Terrain Vehicles (ATV's), snowmobiles or general 4x4 vehicles. We have had trespassers during hunting season, people trying to abandon vehicles and dumping. The town has also presented its own issues of what legal rights are given to the municipality under the road abandonment and public easement laws. We have spent thousands in lawyers' fees to address the actual laws of these public easements on abandoned roads to only be roadblocked by the municipality. We own both sides of a ¼ mile road that was abandoned by the town with the easement, but the road widths have come into question and has been an issue. The question of who owns the property is a consistent question that remains to be unanswered legally and there are unenforceable actions that keep taking place on this road due to lack of definition.

One of many examples is that since we plow this abandoned road and it's privately maintained without compensation under Title 12 section 13106-A(4) snowmobiles by law are not allowed to be on it which was relayed to the municipality and the snowmobile club. The town then had trespassed onto our property and spray-painted trees at a 4-rod width with no notification as to why. We proved the easement was only 3-rods and now today February 2, 2022 they came and cut all the trees down on each side of the easement to allow these snowmobiles access. All was done based on a public easement on an abandoned road. Unfortunately, because the legalities of the actual road title and ownership of property are unclear, the trees were cut anyway when that could have potentially been stopped if there had been definition into these issues. Municipalities are allowed to cut down trees for snowmobile use or allow ATV and 4x4 access without compensation or required maintenance yet a private landowner cannot protect their property or access to/from their home because of an easement or abandonment does not define it as in our case.

Maine ROADWAYS has been invaluable to helping us with information searching town and county records for actions taken regarding our road and showing us where to find applicable laws. I support Maine ROADWays to be on this commission,

I ask you to vote this important legislation "ought to pass."  
Thank you.

Tiffany LaClair