

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

My name is Roberta Manter, I live in Fayette, and I am once again testifying on behalf of Maine ROADWays as well as myself.

I would like to propose a small but important grammatical change in L.D. 1513. There are four places in the proposed draft where it refers to “an abandoned *and* discontinued road.” While I agree that this bill is to address both abandoned roads *and* discontinued roads (plural), when it comes to referring to a single road, the conjunction “*or*” should be used because abandonment and discontinuance are two separate and different actions. A road that was maintained by the Town within the last year can be discontinued, but cannot also be abandoned; so it cannot be both abandoned *and* discontinued.

Under Members, D, item 5 refers to "property abutting an abandoned AND discontinued road." It should say "or."

A similar change needs to be made in Duties B 1, Duties B 2, and Duties B 4.

(Other places where "and" is used, it's okay because the Commission will address both abandoned roads and discontinued roads, but anywhere that it implies a single road is both, it should be changed to "or.")

In support of this amendment I refer you to the Maine Legislative Drafting Manual <https://legislature.maine.gov/doc/1353> page 110 (page 120 of the online version.) It gives examples of the proper use of each conjunction and ends with the following:

“The rules of statutory construction in the Maine Revised Statutes, Title 1, section 71, subsection 2 indicate that ‘and’ and ‘or’ ‘are convertible as the sense of a statute may require.’ *Don't use this as an excuse to draft unclearly. The proper use of ‘and’ and ‘or’ will minimize the need for courts to interpret the wording of the law.*” (Emphasis added.)

Thank you for indulging my passion for clarity of language in statutory construction!