

Chris McInerney
Bethel
LD 1513

Date: February 14, 2021

To: Maine Abandoned and Discontinued Town Roads Commission

From: Chris McInerney

I'd like to document, for the committee, my experiences with a right-of-way dispute that played out from 1989 – 1991.

I purchased an 80-acre parcel of property in Bethel, Maine in 1980.

Access to the property was across Waterspout Mountain Road which, both parties in the dispute agreed, was either an abandoned or discontinued town road.

My neighbor and adversary decided to block the road in 1989 after not challenging our right of way for the first 9 years that we owned the property. She owned land on both sides of the road between our property and the paved road where the road in question terminated.

Both sides retained attorneys. Ultimately a settlement was reached whereby I purchased a right of way from the neighbor. I chose to enter in a settlement of purchasing the right of way in order to avoid the risk and expense of further litigation. I continue to believe that a public easement exists on the subject road. It became clear to me during the litigation that Maine laws regarding discontinued and abandoned town roads are vague at best and the outcome of a trial was unpredictable.

This dispute cost me more than \$10,000. The value of the property in 1990 was approximately \$30,000.

It seems to me that a simple legislative fix could be to guarantee that abutting landowners have right-of-way access on abandoned and discontinued town roads regardless of when the road was abandoned (or discontinued). Legislation assuring landowners this right of access could save significant unnecessary court time and legal expense.