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DEPARTMENT OF TRANSPORTATION
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February 7, 2022

**Testimony of Meghan Russo
Maine Department of Transportation
Before the Joint Standing Committee on State and Local Government**

**In Opposition to LD 1513 as Amended
*An Act to Require the Maintenance of a Discontinued Public Road That Provides the
Sole Access to One or More Residences***

Senator Baldacci, Representative Matlack, and distinguished members of the Joint Standing Committee on State and Local Government, on behalf of the Maine Department of Transportation, the Department of Inland Fisheries and Wildlife, and the Department of Agriculture, Conservation, and Forestry, I am submitting this testimony for your consideration in opposition to LD 1513 as amended.

The discussion concerning discontinued roads has been ongoing for well over 20 years. More recently, legislation during the 126th Legislature was put forward to accept the recommendations of a stakeholder group, similar to what is now being proposed, that was tasked with examining discontinued and abandoned roads. The stakeholder group from the 126th Legislature proposed that if a municipality decided to retain a public easement after the municipality discontinued a town way, the municipality must vote in the affirmative to retain the public easement. If the municipality failed to maintain the public easement for two years, the public easement would be discontinued and the public's interest in the easement would be abolished. This legislation was defeated after failing to garner enough support between the two bodies.

MaineDOT, DACF and IF&W all believe that the issue of discontinued roads is best addressed locally by municipal officials. 23 MRSA §3026 provides guidance on discontinuing roads, determining a road's status, providing damages to an affected landowner, and the public notice required to affected parties. MaineDOT's only involvement in this process is the requirement, pursuant to 23 MRSA §3026-A, that towns notify the department when a road has been discontinued, as this impacts the municipalities Local Road Assistance (LRAP) payment.

Should the committee wish to create another stakeholder group to further study this topic, such a group should be led by a statewide organization representing municipal interests. The root of the problem is a municipal one, and while our three agencies are willing to continue participating in the dialogue to address this problem, we do not feel that we can lead its resolution; none of us

have the expertise, staff, or resources to lead the Maine Abandoned and Discontinued Roads Commission.

It is for these reasons that we request that the committee not move forward with the proposed amendment as drafted. Thank you.