

Roberta Manter
Maine ROADWays
LD 422

Ladies and Gentlemen of the State and Local Government Committee,

My name is Roberta Manter and I live in Fayette. I am the founder of Maine ROADWays, which is an acronym for Residents & Owners on Abandoned & Discontinued Ways. We help people all across the state who have problems with property access. I am writing to OPPOSE L.D. 422.

One of the recurring problems I see is that residents may be unaware of actions that have been taken or are about to be taken that will affect the status of the access to their home or property. Last Legislative session, in response to years of seeing problems with discontinued roads persist, the State and Local Government Committee came up with the idea for 23 MRS 3036. That new law formed a permanent Commission on Abandoned and Discontinued Roads. One of the issues that Commission has already seen is that all too often, residents are uninformed of actions that may affect them, and that records of such actions can be difficult to locate.

For example, last fall the Town of Livermore decided to cease winter maintenance on Wyman Road, because it only serves one family's home and is difficult to plow. The only reason that family learned about the hearing is that a friend of theirs happened to see a notice on facebook and called to let them know. If they had not been notified, they would not have been able to be present at the Selectmen's hearing to object, and winter maintenance would have ceased, possibly without their even being aware of it until the first storm left them snowed in.

Thanks to their friend's vigilance, they did attend the hearing, bringing with them a number of supportive neighbors. As a result, the Selectmen changed their tactic, deciding to hire someone with a snowblower to clear just the first 135 feet of the road, and claiming based on an inaccurate tax map that that is all the Town owns. That left the residents with another 200 feet of road they do not own to clear at their own expense. Again, the family was unaware of the Selectmen's decision until I notified them because another of my ROADWays contacts sent me a link to an online newspaper article, and I emailed the family to tell them.

As a result of the family being made aware third-hand of the Selectmen's decision, they were able to file a timely appeal to the County Commissioners. After two hearings on the matter, the County Commissioners determined that evidence shows the Town has been maintaining the entire road to that family's house for the past 60 years, and that they cannot suddenly decide it's not their responsibility to keep safe and convenient for the public without going through the proper discontinuance procedure. The Commissioners ordered the Town to provide snow removal to the family's house for the remainder of this winter while ownership of the road is sorted out.

My point is that posting a notice on a Town's website is an extremely deficient method of making citizens aware of what is going on in their town. How many people check their Town's website weekly to see if there is anything that pertains to them? Believe it or not, there are still people in Maine who do not have internet access. (My daughter's family is one example, and there are many others who are senior citizens or who live off grid in remote areas.) I would be willing to bet that only a fraction of those who do have internet access actually check their town's website on a regular bases. Admittedly, there are also a great many people who do not subscribe to newspapers, (we and our daughter's family both fall into that category,) so newspaper notice also is not ideal. I would argue that what we need is MORE notice, not less notice. When a matter may have drastic consequences for even one citizen, EVERY effort needs to be made to see that they are notified. There are times when notice by first class mail is required, but there are also situations where it is unclear who may have a concern, so general notice is needed.

The Fourteenth Amendment to the US Constitution states that, "No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." L.D. 422 would deny those who do not regularly check their town's website the equal protection of the laws when a matter arises that is of critical importance to them. Please vote L.D. 422 Ought Not to Pass.

Thank you.