

To: Maine's State and Local Government Committee (SLG)

From: Margaret Cardoza, Windham and Portland Maine

Date: March 17, 2024

Re: LD 2264 An Act to Further Clarify the Meaning of "Private Road" and Public Easement" in Certain Provisions of Maine Law

Dear: Chairman, Senator Nangle, Madam Chair, Representative Stover, Members of the Committee on State and Local Government.

I have property on a public easement in the Town of Windham, I am a voting member in Portland. I am a member of MARA and a road association, as a former treasurer and current road commissioner. I do not represent these organizations but may express my personal experience. I am in favor of parts of the bill and for some amendments. The following areas in favor:

1. Removing Private way from the title, line 10 and keeping the public easement as written (page 1). It has been chaotic explaining that a private way is a public easement. Keep it simple.
2. Adding, A-1 definition of Private road. This allows these owners to GATE their property preventing the public from any violence or abuse.
3. Repealing from Motor Vehicle and Traffic, chapter 20, Bicycle and Roller Skis and Safety Education: The definition of Public roadway. "Public roadway" means a right-of-way under the jurisdiction and control of the State or a local political subdivision of the State for the use primarily by motor vehicular traffic. The issue is the word Right of way that private roads use for their own language.
4. Use of Helmets: changing the word to public way allows clarity to private vs public ways.

The areas of amendments to 23:3101- 3105-A are as follows:

1. All areas listed as "public easement not repaired or maintained by municipality" on line 28 (page 1), 5, 6, 14, 18, 19, 36, 37 (page 2), 15, 22, 36 (page 3), 3, 4 (page 4) be changed to, "**public easement not repaired or maintained YEAR ROUND by a municipality.**"

If these changes are not made, then ANY town providing road repairs would be required to provide YEAR ROUND repairs due to the word "**AND**" rather than using the word "**OR**".

Also if this is not changed, in example in Windham, all associations with public easements would NOT be allowed to meet (call a meeting), not vote, have a board assess costs, no easements, no insurance, no contracts and no penalties (liens) notice of claims.

Thank you to the Abandoned and Discontinued Road Commission (ADRC) for assisting the SLG Committee with private ways. Unfortunately it took away their time to deal with the issues for which the Commission was formed, namely, the problems with abandoned and discontinued roads. Therefore, I ask that the **ADRC be allowed additional meetings** so that the Commission can devote the necessary time to its assigned issues, such as storm damages, ATV's, burdening private property owners the cost of road repairs with NO FUNDING, no police protection, and destruction of public easement roads.