

§3036. Maine Abandoned and Discontinued Roads Commission

The Maine Abandoned and Discontinued Roads Commission, referred to in this section as "the commission," is established by Title 5, section 12004-I, subsection 83-A and operates in accordance with this section. [PL 2021, c. 743, §2 (NEW).]

1. Members. The commission consists of the following 12 members:

A. One member who is an employee of the Department of Inland Fisheries and Wildlife, designated by the Commissioner of Inland Fisheries and Wildlife; [PL 2021, c. 743, §2 (NEW).]

B. One member who is an employee of the Department of Agriculture, Conservation and Forestry, designated by the Commissioner of Agriculture, Conservation and Forestry; [PL 2021, c. 743, §2 (NEW).]

C. One member who is an employee of the Department of Transportation, designated by the Commissioner of Transportation; [PL 2021, c. 743, §2 (NEW).]

D. One member who is an employee of the Office of the Attorney General, designated by the Attorney General; [PL 2021, c. 743, §2 (NEW).]

E. Four members appointed by the President of the Senate, who, in making the appointments, shall take into consideration any recommendation made by the association or organization from whose membership the appointment is made, as follows:

(1) One member of a statewide association representing municipalities;

(2) One member of a statewide association representing woodland property owners;

(3) One member of a statewide association of attorneys who has expertise in real estate law; and

(4) One member of a land trust organization; and [PL 2021, c. 743, §2 (NEW).]

F. Four members appointed by the Speaker of the House, who, in making the appointments, shall take into consideration any recommendation made by the association or organization from whose membership the appointment is made, as follows:

(1) One member of a statewide association representing county governments;

(2) One member of a statewide organization representing all-terrain vehicle users or snowmobile users;

(3) One member of a statewide association representing residents of the State living on or owning property that abuts an abandoned or discontinued road or that is accessible only by traveling over an abandoned or discontinued road; or, if no such association exists, a resident of the State living on property that abuts an abandoned or discontinued road or that is accessible only by traveling over an abandoned or discontinued road; and

(4) One member of the general public who is a resident of the State not directly affected by matters related to abandoned or discontinued roads. [PL 2021, c. 743, §2 (NEW).]

[PL 2021, c. 743, §2 (NEW).]

2. Duties. The commission shall:

A. Consider the following:

(1) Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned or discontinued road;

(2) Public easement retention over an abandoned or discontinued road, including the scope of permitted and actual public use;

- (3) Statutory terminology related to abandoned or discontinued roads; and
 - (4) The statutory process for the abandonment or discontinuation of a road, including barriers to determining the legal status of a road; [PL 2021, c. 743, §2 (NEW).]
- B. For matters relating to abandoned and discontinued roads other than those described by paragraph A, prioritize matters for consideration by the commission by determining which matters related to abandoned and discontinued roads have a significant negative impact, qualitatively or quantitatively, on:
- (1) Owners of property that abuts an abandoned or discontinued road;
 - (2) Owners of property accessible only by traveling over an abandoned or discontinued road;
 - (3) Recreational users of an abandoned or discontinued road;
 - (4) Members of the public;
 - (5) Municipal, county or state governments; and
 - (6) The physical integrity of an abandoned or discontinued road and surrounding land; [PL 2021, c. 743, §2 (NEW).]
- C. Develop recommendations on ways to address matters considered by the commission, including recommendations for statutory changes; and [PL 2021, c. 743, §2 (NEW).]
- D. Review legislation affecting abandoned or discontinued roads and provide information to joint standing committees of the Legislature upon request. [PL 2021, c. 743, §2 (NEW).]
- [PL 2021, c. 743, §2 (NEW).]

3. Chair. The members of the commission shall elect from among the membership a chair, who serves a 3-year term. The chair continues to hold the office until a successor is elected and may serve multiple terms. The chair calls and presides over meetings of the commission. In the absence of the chair, the member designated by the Commissioner of Inland Fisheries and Wildlife or the member designated by the Commissioner of Agriculture, Conservation and Forestry may preside over meetings. [PL 2021, c. 743, §2 (NEW).]

4. Term of office. Members of the commission serve 3-year terms. A member may serve after the expiration of that member's term until a successor has been appointed. A member may serve multiple terms. [PL 2021, c. 743, §2 (NEW).]

5. Meetings. The commission shall meet at least 3 times, but may meet no more than 12 times, each year. [PL 2023, c. 642, §1 (AMD).]

6. Subcommittees. The commission may establish subcommittees to meet to conduct the work of the commission. Subcommittees may invite persons who are not members of the commission to participate in a nonvoting capacity. [PL 2021, c. 743, §2 (NEW).]

7. Public comment. The commission shall accept public comment during its meetings. [PL 2021, c. 743, §2 (NEW).]

8. Staff support. The Office of the Attorney General shall provide staff support to the commission. [PL 2021, c. 743, §2 (NEW).]

9. Bylaws. The commission may, by a majority vote of the members, adopt or amend bylaws as necessary or appropriate to carry out the purposes or exercise the powers of the commission. Prior to adoption or amendment of bylaws, the commission shall ask the member designated by the Attorney General to review the bylaws and provide comments to the commission.

[PL 2021, c. 743, §2 (NEW).]

10. Fund established. The Road Commission Fund is established as a nonlapsing fund within the Office of the Attorney General to support the work of the commission. The fund consists of any funds received from any public or private source.

[PL 2021, c. 743, §2 (NEW).]

11. Report. By February 1, 2023, and annually thereafter, the commission shall submit a report of its activities and any recommended statutory changes to the joint standing committee of the Legislature having jurisdiction over state and local government matters, the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. If the report includes recommended statutory changes, the committee with jurisdiction over the subject of that statute may report out a bill related to the recommendation.

[PL 2021, c. 743, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 743, §2 (NEW). PL 2023, c. 642, §1 (AMD).

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