



Mark E. Bryant

166 Albion Road
Windham, ME 04062
Phone: (207) 892-6591
Mark.Bryant@legislature.maine.gov

HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

May 21, 2021

Testimony of Rep. Mark Bryant
Before the Joint Standing Committee on State and Local Government
Presenting LD 1723, An Act Regarding Winter Maintenance on Private Roads in the Town of Windham

Senator Baldacci, Representative Matlack and fellow members of the Committee on State and Local Government, I am Representative Mark Bryant from Windham, House District 24. I am pleased to come before you today to introduce **LD 1723, An Act Regarding Winter Maintenance on Private Roads in the Town of Windham.**

This private and special law would help the town of Windham address a long-standing issue with the more than 100 private roads surrounding the lakes in Windham. Over the past 20 years or more, these roads have been publicly plowed. This has given rise to confusion about whether or not these roads have become public town ways, regardless of the fact that this has never been the intent of the town or of the abutting property owners.

Several decades ago, private roads located around the lakes were not accessible during the winter. The town of Windham entered into individual agreements with property owners at the time to plow those roads during the winter months. These formal agreements have not been renewed, but in practice, the plowing has continued. There has been no formal documentation of this, leading to ambiguity. Now, many new homes and new lots don't have access to documentation that a public easement had once been given to allow plowing or to outline maintenance responsibilities between the town and the landowners, which would help facilitate public plowing.

The town has requested that the Legislature issue an ordinance to address the access of these private roads for municipal vehicles during winter months. This bill would further instruct landowners to provide annual maintenance during the year, such as stormwater management to address drainage issues and ensure that public plow trucks can access the roads safely during the winter. Current law does not provide a mechanism to do so. The town has spoken with Kate

Dufour, and the Maine Municipal Association will not object to this private and special legislation.

Thank you for taking up this bill so late in our session. Passing this bill now will allow the legislation to be in place by the coming winter so the town can create an ordinance and notify residents in a timely fashion.

Thank you for the opportunity to testify. I am happy to answer any questions from the committee.