**ABANDONED AND DISCONTINUED MEETING MINUTES**

**May 13, 2024**

**Remote Meeting**

**In attendance**: Jim Katsiaficas, Roberta Manter, Brian Bronson, Peter Coughlan, , Catherine Nadeau, Karla Black, Ryan Pelletier, and Rebecca Graham

**Absent**: John Monk, Kris MacCabe, Vivian Mikhail, Steven Young

The meeting was called to order by Chair Jim Katsiaficas at approximately 1:00 pm.

The Commission unanimously accepted the minutes of the January 3, 2024, meeting, based on a roll call vote.

Jim opened the meeting discussing:

1. The Commission’s progress.
2. The process the Commission went through to make recommendations in the last year.
3. What the Commission’s recommendations were and what was ultimately put into PL 2023, Chapter 642.
4. The new tasks set before the Commission from the legislature:

The bill allows us to meet up to 12 times a years but at least three times a year and gave the following directions:

* 1. The scope of public use allowed on a public easement over an abandoned or discontinued road, the need or justification for each type of use, the impact of the public use on abutting property owners and ways to reduce the negative impacts on abutting property owners.
  2. Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned or discontinued road.
  3. Options to create a road inventory of abandoned and discontinued roads in the State; and
  4. Options to create a right-of-way template for property owners to use when a local unit of government considers discontinuing the road abutting a property owner's property.

Jim raised the issue after the fact the Commission did not have full support for the proposed bill that there is a need for the Commission to be able to build a consensus and to support that consensus before the Legislature.

Roberta responded that it was great that the Commission got Chapter 642 through reinforcing that towns have the right to maintain, or plow abandoned or discontinued roads that are Public Easements. She further stated the Commission is well balanced and that the Commission still needs to continue working on our previous charges also.

Brian stated that some Commissioners need more time to review with their Departments as there can be confusion when going back and forth between the Commission and Department.

Ryan felt that the SLG committee went into the weeds and got caught in the weeds. Ryan was concerned that it might not be possible to get the SLG Committee from the weeds. He felt the SLG committee did not understand what we were trying to accomplish.

Peter asked whether the Commission should have had credibility for all the hard work that the Commission did in figuring out what made sense, what is typical?

Rebecca responded that Commissioners caused confusion testifying against the recommendations the Commission made. She further stated that the Commission didn’t do a good job explaining that most of the recommendations are law already and that our recommendations would help clarify the law not change it.

Karla states she is committed to working with the Commission and wants the Commission to succeed. She sees potential in the Commission reaching consensus. She was heartened that the Commission was so close on Task 2 Landowner Liability.

Roberta stated that it will take time and that we should get the court to weigh in on the issues. Roberta feels that now that Chapter 642 is law, towns will know what they can do, and it will hopefully improve help for those on Public Easements.

Catherine stated that the legislative Committee takes the Commission seriously and to expect small victories. That the SLG Committee is supposed to look at both sides. Catherine stated based on her experience that it is a slow process, and we need to keep going forward. The knowledge that is shared with the Committee will be passed on to new members.

Roberta stated that she is committed to the Commission and that she voted against certain things because of the group she represents. She agrees that it will take time to get things done.

Jim stated that he doesn’t have an issue with people disagreeing but when presenting the Commissions’ findings/recommendations to the legislative committee, there shouldn’t be people arguing the finer points in front of the committee. The Commission was created so that we would figure it out for the SLG Committee.

Jim, then, proposed that the Commission not put forth anything that the Commissioners are not unanimously in favor of. After a brief discussion, there was unanimous agreement with this proposal among the Commissioners.

Brian suggested giving time to present recommendations to those who need approval.

After a brief discussion, the Commissioners came to the agreement that all draft and legislative language be done by November 1st.

Peter then asked what happened to the proposal the Commission put forth.

Jim stated we tried to get private way changed in only one section and that got removed from the bill.

Jim shifted the conversation and noted that the Commission still has the old terms to continue working on and now the new Chapter 642.

Peter asked how the Commission would move forward.

Brian asked Peter if the road inventory he compiled would work for the options to create a road inventory of abandoned and discontinued roads in the State.

There was a discussion by Peter, Brian, Jim, Rebecca, and Roberta about the information available on the legal status of roads in Maine, how to gather the information and what type of recommendation to make to the SLG Committee.

After a brainstorming session there was a consensus of the Commissioners to make three suggestions to SLG Committee on ideas on making roads status available to public: 1) either the State complies and creates a database, 2) the county does the database at the Registry of deeds or 3) each town creates and maintains their database of what is the legal status of the roads in their jurisdiction.

Peter asked about how to tackle the other tasks assigned to the group.

Jim then went through the new tasks 1 and 2. He felt task 4 Creating a template would not be an issue.

Jim agreed with Karla that on task 2 (Landowner Liability) the Commission had put a lot of time and is close to a resolution.

Roberta proposed her ideas for the new task 2 on Liability for private landowners on Public Easements.

Rebecca raised the point that there are statutory provisions to fix environmental issues already in the law to deal with liability for private landowners.

Jim, Rebecca, and Roberta then discussed the issues of liability further and how this is an important issue, as there were constitutional questions raised by Roberta and Environmental liability issues raised by Karla.

Roberta stated that the Maine Supreme court should weigh in and they should be asked to do so for clarity sake.

Jim stated that the Supreme Court is not going to decide on this one way or another. That is reserved for solemn occasions or active cases.

Jim raised the idea to have subcommittees for task 1 (Public Use of Public Easements) and task 2 (Landowners Liability on Public Easements).

Commissioners on Subcommittee 1: Roberta, Ryan, Jim, Karla, Catherine

Jim will reach out to Brian and John and see if one of them can join as they are familiar with the trail systems.

Commissioners on Subcommittee 2: Roberta, Karla, Jim, Catherine

Jim stated that at the next Commission meeting the Commission will prepare a plan to tackle the previous tasks and discuss the next steps.

Roberta to send out information on the history of roadways to Heather for Heather to forward the links to the Commissioners.

Ryan asked if we should look at the road primer from MMA and have it shared.

Rebecca stated she can share the road inventory template so the commission can see but nothing else.

Heather asked if it made sense to now have meetings scheduled monthly since we have been allotted 12 meetings of the year. Heather to email and see what part of the month, days of the week and morning or afternoons work.

Heather to set up doodle poll on dates the first few weeks in June and end of June for Commission meeting.

Commission meeting ended at approximately 2:20 p.m.