



TESTIMONY IN SUPPORT OF L.D. 596

My name is Sarah McDaniel, I am an attorney in private practice at Douglas McDaniel & Campo LLC, PA here in the State of Maine and live in New Gloucester. I am testifying on my own behalf asking the Committee on Environment and Natural Resources to support passage of L.D. 596, An Act to Exempt Certain Conservation Lots from Municipal Subdivision Review.

In the course of my practice I represent landowners and nonprofit land trusts from all across the State. Over the years, several of my clients have faced challenges to their land planning that passage of L.D. 596 can resolve.

The laws requiring review and permitting of subdivisions are designed to ensure that development of land protects the environment and public safety. The establishment of parcels of protected conservation land does not pose the same traffic or other development threats that subdivision law is designed to address. Yet, the costs associated with municipal review can often impede landowners from putting a portion of their land into conservation, or cause them to delay protecting their land.

Two decades ago the Legislature adopted an exception to a reviewable subdivision in the unorganized territories for when the division of land creates a lot for conservation purposes so long as that lot is to be owned by either a government entity or nonprofit land conservation organization. 12 M.R.S. § 682-B (codified by LUPC at Chpt 10.25.Q). This reduces an obstacle for landowners who want to protect the wildlife habitat, scenic, agricultural and natural resource values of their land, but is currently only available in the LUPC jurisdiction.

The proposed exemption in L.D. 596 will apply in all towns in Maine and is tightly limited to those situations where the parcel will be permanently preserved for conservation with the protection secured by either a governmental entity or a nonprofit land conservation organization.

As landowners make plans for their land, they are mindful of compliance with the subdivision statute. L.D. 596 will allow landowners all across the State more flexibility to achieve their personal land conservation goals without delay, thus also helping to reach the Maine Climate Council's goal of 30% of the State in land conservation by 2030, as outlined in Strategy(E)(1) of their December 2020 action plan.

I strongly urge the Committee to pass L.D. 596. I would be happy to answer any questions you may have.

Respectfully submitted this 5th day of April 2023,
Sarah A. McDaniel
Maine Bar No. 9506

Thomas L. Douglas Sarah A. McDaniel Benjamin P. Campo, Jr.

PO Box 410 • Westbrook, ME 04098 • P (207) 591-5747 • F (207) 591-5752 • www.douglasmcdaniel.com