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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES
IN SUPPORT OF LD 596

An Act to Exempt Certain Conservation Lots from Municipal Subdivision Review

April 5, 2023

Senator Brenner, Representative Gramlich, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Judy East, and I am the Director of the Bureau of Resource Information and Land Use Planning in the Department of Agriculture, Conservation and Forestry. I am speaking in support of LD 596, *An Act to Exempt Certain Conservation Lots from Municipal Subdivision Review*, for the reasons outlined below.

This bill amends the definition of a subdivision to exempt parcels from subdivision review if they are created for conservation purposes and do not subvert the purposes of the subdivision law.

There is an existing definition in Title 33 ([MRS 33 §476. 1](#)) that references the purposes of a conservation easement with the same language that is proposed in the bill:

1. Conservation easement. "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

Rather than defining the purposes separately in Title 30-A, the LD could reference the existing definition in MRS 33 §476. 1.

Also, for reference, the service area of the Land Use Planning Commission, governed by Title 12 682 B. 3. <https://legislature.maine.gov/statutes/12/title12sec682-B.html> has a similar provision to the one proposed by this bill:

3. Transfer to conservation organization. A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:

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A. For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and

B. The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity.

Thus, the proposal would bring Titles 12 and 30-A into alignment with respect to providing an exemption for subdivision review on a division of land subject to a conservation easement.

Thank you for considering this issue. We will be available to answer questions at the work session.