



# MAINE FARMLAND TRUST

**Testimony of Abby Farnham, Assistant Director, Policy and Research, Maine Farmland Trust, to  
the 131<sup>st</sup> Legislature's Joint Select Committee on Housing  
April 25, 2023**

Good morning Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing. My name is Abby Farnham and I am providing testimony today on behalf of Maine Farmland Trust (MFT) Neither For Nor Against LD 1593, *An Act to Increase Affordable Housing Development*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Since our founding in 1999, MFT has helped to permanently protect more than 330 farms and keep nearly 60,000 acres of farmland in farming. In 2022 alone, MFT supported 48 farm businesses with workshops, technical assistance, and grants – delivering over 680 hours of technical assistance and \$309,000 in business and seed grants to help businesses grow their profitability. Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, Climate Resilience, and Policy and Research.

MFT is very sensitive to the need for more affordable housing in our state—this need is critical in all communities across Maine. Increased affordable housing opportunities are also important to the viability of Maine's agricultural sector, as the lack of available affordable housing, particularly in rural parts of the state, is contributing to the challenges Maine farmers are experiencing with labor supply and retention. As our state and municipalities work to advance needed policy and planning solutions to our affordable housing crisis, MFT wants to ensure that the need to protect our state's critical agricultural resources is also prioritized.

Protecting farmland in Maine is essential for ensuring that we have the land base to grow our agricultural economy, particularly as more farmers reach retirement age and development pressures increase across the state. Protecting land is also a key natural climate solution by avoiding the greater emissions associated with developed land, by providing the land base to grow our local and regional food economy and create greater food security for our state, and by preserving the climate benefits that can result from farmers using climate smart practices on the land. However, Maine's farmland is a precious and limited resource. The 2017 Census of Agriculture showed that between 2012 and 2017, Maine lost more than 10 percent of its farmland, over 146,000 acres<sup>1</sup>—making Maine one of the top five states in the country with the

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<sup>1</sup> In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine's farmland. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U.S. Census of Agriculture for 2017, Maine*, [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/Maine/mev1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf).

highest percentage of farmland lost, according to American Farmland Trust.<sup>2</sup> Maine’s farmland is at risk from all types of development, including low-density residential development, which fragments the agricultural land base and threatens the viability of an area’s remaining working farms.<sup>3</sup>

Many municipalities across Maine recognize both the benefits of and threats to agriculture in their communities, and have identified farmland protection and support for farms as priorities in their comprehensive plans. It is important for towns to have a range of policy and planning tools available to them to advance these priorities, including adopting zoning ordinances that may limit development in certain ways in order to protect important farmland soils and working agricultural lands as well as the viability of farm businesses. We want to put forward the concern that LD 1593 may limit the abilities of municipalities to implement zoning restrictions designed to protect agricultural resources and support farming by proposing, **within Section 2 §4352-A** of the bill, that “a municipality may not adopt or enforce any zoning restriction that prohibits residential housing in any zoning district.”

The City of Auburn is one example where zoning restrictions that limit the ways in which development can occur in the city’s Agriculture and Resource Protection District have been important for preserving farmland, supporting agriculture, and helping keep the land affordable for farmers.<sup>4</sup> MFT also promotes agricultural overlay districts as a zoning tool for towns to consider that may help reduce the impact of new development on farmland and active farms by, for example, establishing density requirements for new housing or limiting or prohibiting non-agricultural development on high-quality farmland soils.<sup>5</sup> Soils that are classified by the United States Department of Agriculture Natural Resources Conservation Service (NRCS) as Prime Farmland and Soils of Statewide Importance are the most conducive to productive agriculture, yet make up only 14 percent of the state’s total land area.<sup>6</sup>

We were pleased to hear that an amendment may be introduced that addresses the concerns described above regarding Section 2 §4352-A.

The application of smart growth principles that reduce sprawl and balance the need for additional housing, particularly affordable housing, with the need to protect our state’s working

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<sup>2</sup> American Farmland Trust, “2017 Census of Agriculture,” <https://farmlandinfo.org/2017-census-of-agriculture/>

<sup>3</sup> American Farmland Trust, (2020) *Farms Under Threat: The State of the States*, “Agricultural Land Conversion Highlight Summary: Maine.”

<sup>4</sup> City of Auburn Code of Ordinances, Chapter 60, Article IV, Division 2: Agriculture and Resource Protection District, available at: [https://library.municode.com/me/auburn/codes/code\\_of\\_ordinances](https://library.municode.com/me/auburn/codes/code_of_ordinances)

<sup>5</sup> Bunker, Amanda, et al., (2011), *Cultivating Maine’s Agricultural Future: A Guide for Towns, Land Trusts, and Farm Supporters*. Maine Farmland Trust, American Farmland Trust & Mainewatch Institute, available at

<https://www.maineFarmlandtrust.org/public-outreach-new/public-policy/municipal-policy-new/>

<sup>6</sup> *Final Report of the Agricultural Solar Stakeholder Group*, p. 17 (Jan 2022), Available at: <https://www.maine.gov/energy/studies-reports-working-groups/current-studies-working-groups/agricultural-solar-stakeholder-group>

farms and agricultural land is essential for increasing affordable housing opportunities in ways that also ensure we have the land base needed to grow our agricultural economy and create greater food security for our state.

Thank you for the opportunity to provide comments today on LD 1593.