

Testimony of the Maine Municipal Association

In Qualified Support For

LD 54 – *An Act to Require Compliance with Natural or Agricultural Resource Protection Ordinances*

May 22, 2023

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Sen. Brenner, Rep. Gramlich and distinguished members of the Environment and Natural Resources Committee, my name is Rebecca Graham and I submitting testimony in support for LD 54, *An Act to Require Compliance with Natural or Agricultural Resource Protection Ordinances* Costs on behalf of the Maine Municipal Association, which represents the interests of municipal government before the Legislature. The positions of the Association are established by our 70-member Legislative Policy Committee (LPC), who are elected by the councils and selectboards of municipalities in each of Maine’s 35 Senate districts.

When this bill had its original public hearing, the LPC had not established a position on the bill and it seemed to have already been voted out of committee. Municipal officials believe this is extremely important and offers clarity for the implementation of statutory changes under LD 2003 from the 130<sup>th</sup> Legislature. Many planning officials had significant concerns about the ability to enforce important resource protection ordinances due to the way the statute was constructed and additionally, some communities had enacted significant local incentives to keep land in agricultural production. These efforts included paying individuals to keep those lands from being developed and maintaining the community cultural connection to their historic agricultural roots. It was unclear if those locally designed programs could continue in conjunction with the new housing incentives, thus municipal officials are fully supportive of the clarity LD 54 offers.

However, the date in statute that does not allow communities to adopt additional resource protection ordinances is deeply problematic for communities that need to meet their federal stormwater permit obligations. Additionally, it will also make it impossible for some communities to manage development retreat from areas that will continue to become greater flooding and storm surge impacted lands as part of Maine’s Climate Action plans. Encouraging development in some areas may place individuals directly in harms way and are likely to be the same areas where such development is desired when that threat is not immediately visible.

There are also 40 communities in Maine who must comply with federal stormwater management regulations with increasingly restrictive measures. Their permits require the municipality to develop and adopt a low impact development ordinance requirement for all future development in urban impaired watersheds during this permit cycle, or they will be in violation of their federal Clean Water Act mandates and subject to significant fines. These communities have been working on this ordinance requirement for their current permit cycle and will not be able to be enacted until 2024.

The greatest threat to natural and agricultural land resources is development. The market value of these vital lands will never be in balance with their highest and best use for housing or in the case of

waterfronts, maintaining their use for working access. It is for these reasons that Maine has constitutionally established different tax programs to incentivize their retention and the state and communities will need continued tools for this purpose going forward.

For all these reasons, the Association and municipal officials ask that you remove the date entirely from the bill that would restrict natural resource protection ordinance compliance to only ordinances enacted before 2022.