



**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  
January 5, 2024**

Good morning Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing. My name is Abby Farnham and I am submitting testimony on behalf of Maine Farmland Trust (MFT) Neither For Nor Against LD 1257, *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Our goal is to keep agricultural lands working and help farmers and their communities thrive. 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.

Protecting farmland is important for ensuring we have the land base needed to grow our agricultural economy and create greater food security for our state and region. Working farms and farmland are also important for meeting the state's climate action goals, including to increase both the amount of Maine-produced food consumed in the state and the amount of land conserved statewide to 30 percent by 2030.<sup>1</sup> Farms also create numerous benefits for local communities, including fiscal benefits, as farmland, even when assessed at its agricultural value, typically requires less in municipal services than it generates in local property tax revenues.<sup>2</sup>

But, farmland in Maine is at risk. 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>3</sup>—making Maine one of the top five states in the country with the highest percentage of farmland lost, according to American Farmland Trust.<sup>4</sup> Maine is losing farmland to 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>5</sup>

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<sup>1</sup> Maine Climate Council, *Maine Won't Wait: A Four-Year Plan for Climate Action*, p. 66 and p. 76 (2020), available at: [www.maine.gov/climateplan/](http://www.maine.gov/climateplan/).

<sup>2</sup> American Farmland Trust Farmland Information Center, *Cost of Community Services Studies*, p. 1 (September 2016), available at: [www.farmlandinfo.org/publications/cost-of-community-services-studies/](http://www.farmlandinfo.org/publications/cost-of-community-services-studies/).

<sup>3</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).

<sup>4</sup> American Farmland Trust, "2017 Census of Agriculture," <https://farmlandinfo.org/2017-census-of-agriculture/>.

<sup>5</sup> American Farmland Trust, (2020) *Farms Under Threat: The State of the States*, "Agricultural Land Conversion Highlight Summary: Maine."



MFT strongly supports the intent of LD 1257. The bill clearly aspires to advance solutions that balance protection for natural and working lands with the important need to address Maine's housing crisis, and the overall strategies that the bill puts forward to encourage and incentivize development within growth areas and away from rural areas are important for advancing farmland protection and smart growth in communities across the state. However, we want to highlight the following questions and considerations on some of the bill's proposed changes:

- Sec. 3, 2-C: Can the definition of "municipal site plan review" incorporate criteria on high-value agricultural soils, such as prime farmland and soils of statewide and local importance, to better protect agricultural resources in this process?
- Sec. 4: The proposed change to the definition of "Subdivision" that would result in subdivision review not being triggered until 4 or more dwelling units are constructed or placed on a single tract or parcel of land does not appear to be limited to growth areas and could potentially result in impacts to working farms and important farmland soils in rural areas.
- Sec. 8, subsection 7: The proposed change of allowing up to 18 dwelling units to be constructed on a single lot in a growth area with reduced municipal subdivision review could potentially put important larger parcels of open farmland that happen to be located in growth areas at an increased risk of subdivision development with minimal municipal review. Could this simpler review process include additional guardrails to protect vulnerable farmland and high-value agricultural soils, such as by focusing on subdivision proposals for previously developed areas?
- Sec. 13: The proposal for towns to adopt plans for approving subdivisions in rural areas could create valuable opportunities for communities to decide how and whether they want to allow subdivisions in designated rural areas, and to incorporate protections for farms and farmland into the plans they develop. Would there be additional opportunity for further guidance to be developed for towns on what this subdivision approval plan should consider?

We understand that other stakeholders may have valuable insight and suggested changes that could address some of the questions we have raised, as well as have other important concerns about potential implications or unintended impacts of the bill's proposed changes.

MFT believes that changes to the state subdivision statutes are necessary for limiting the impact of non-agricultural development on farmland and maintaining the land base and agricultural resources needed for new and established farmers to sustain and grow their operations now and into the future. We are supportive of LD 1787, which proposes the convening of a stakeholder group to do a comprehensive update to the state's subdivision statutes and was heard before this committee last session and was carried over to this session. We think the additional opportunity for stakeholder engagement, comprehensive review, and input from diverse perspectives would be valuable.

Thank you for the opportunity to provide comments on LD 1257.