

Senator Pierce, Representative Gere, and members of the Housing Committee,

I represent no entity or agency other than myself as a resident, taxpayer, and property owner in Maine, and am testifying in strong support of **LD1940 - An Act to Promote Consistent Policies within Growth Management Programs in Order to Increase Food Security and Economic Resiliency in Local Communities**.

Apologies as I was unable to attend given the short notice provided on the review of this bill.

As a local civil servant working on updating our 1991 Comprehensive Plan, serving on the local planning board, and currently providing the code enforcement and plumbing inspection services for our community, I realized in the fall of 2018 that **a disconnect in Augusta** has been exacerbating our food, water, and housing insecurity, as well as the overall vulnerability of the state (*lack of resiliency*).

Locating these blindspots in statutory language and drafting potential legislative solutions prior to November 2024, I proceeded to approach various legislators of any political corporation (*and those un-yoked*) in the 129th, 130th, and now the 131st legislatures, to pursue these desperately needed updates to our outdated and unmanaged **Growth Management Program** laws.

The main reason, I believe, why towns are not prepared to facilitate organized and directed growth, or plan appropriately for their food and water resiliency and security, is because it has not been important to the State.

State law is the starting point or seed crystal for discussion. When it is unmanaged, it trickles down to the political subdivisions. **We have hardly touched or re-evaluated our Growth Management Program laws for nearly a generation!** Are we to assume that nothing has happened in the world in the last 20+ years? No recessions, no inflation, no wars, no natural disasters, no pandemics, no drug issues? Sounds unlikely.

Despite the fact that State law is the starting point or seed crystal for long-term comprehensive planning dialog, these needs outlined in LD1940 **are not** articulated.

The **Growth Management Program** serves as a guide from which all local long-term comprehensive plans are shaped, and as such are not transferred to regional planning commissions who support (*at a fee*) the local development of these plans, and who created models to support the State's long-term planning goals outlined in statute. These regional planning commissions also get cranky and onery when they don't get state subsidies, and further withhold information from the communities that they serve when their funding is cut or dries up.

Given the products I've seen over the years, how our smaller communities have been treated, and how they act when 'free' state funds aren't there, I'd prefer not to rely on a regional planning commissions to dictate the health and vitality of my community.

If serious elements of planning are not mentioned by the State, they don't become a consideration or "a box to check" by regional planning commissions (*or local planners if the communities have a large enough tax-base*), and subsequently never come up for discussion at the local level (*except for the few who are aware, yet realize after researching it that the State is silent on these matters*).

These important elements ultimately never hit the radar as needed points of discussion in many of our communities, and as such, we largely remain vulnerable and afford chaotic and incoherent development.

Look for yourself at a sampling of long-term comprehensive plans, even plans that were actively crafted during an international pandemic that restricted Maine's access to food (*it was well-published*), and other numerous crises here in Maine (*housing, drug-addiction, and mental health*):

- 1.) Few long-term plans (*old or new*) even express the need for local food and economic resiliency, let alone mention the word 'food'. That's insanity. They do, however, sometimes mention how food enterprises impact their parking or how a type of food use hinders their control (*transient food trucks, vendors, etc...*). **(proposed sections 4312 subsection 3, 4326 subsection 1, and 4326 subsection A)**
- 2.) Almost none of the comprehensive plans (*old or new*) mention that unmanaged and out-dated charters, ordinances, and regulations lead to incoherent and unhealthy growth patterns. **(proposed sections 4312 subsection 2J, 4323 subsection 3, 4324 subsection 11, 4326 subsection 2E, 4326 subsection 3A).**

Backfilling these blind-spot in the old comprehensive statutory planning statutory framework:

- Is competent and reasonable,
- Is needed to honor our State Constitution (*Right-to-Food*),
- Encourages reflection on local designs,
- Assists in sensible and cooperative development needs (*such as housing*); and
- Will undoubtedly help Maine for generations to come through seeing food and social wealth as a valuable planning metric.

Having expertise in the interpretation and application of building codes, I do have concerns over the language in **section 4312 subsection 3 and section 4326 subsection 1** regarding building use:

- 1.) Municipalities are restrained by State and Federal regulations, and are unable "*to provide for alternative approaches for compliance relating to the re-use of upper floors of buildings in downtowns and on main streets*",
- 2.) Enforcement flexibility is limited, and requires the SFMO to review state-wide adopted codes, regulations, and standards and present options to the legislature that may work to meet the intent of these proposed sections; and
- 3.) Re-configuring existing structures or re-purposing existing structures (to say a 'mixed-use' or 'unrelated use') can often be cost prohibitive and unachievable, particularly when combining existing conditions with current codes and regulations.

I respectfully ask that the Housing Committee vote **OUGHT TO PASS on LD1940**, with a condition to table building provision references that are restrained by the **State Building Code and federal ADA regulations**, or collaborating first with the SFMO to "*provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets*". Without SFMO guidance and amended building codes, alternative approaches to upper floor buildings is largely unattainable.

Thank you

Dan Davis