



**THE MAINE SENATE**  
131st Legislature

**Comments in support of LD 2225 from Senator Nicole Grohoski**

**13 March 2024**

Dear Senator Rotundo, Representative Sachs, and esteemed members of the Appropriations and Financial Affairs Committee. Thank you for the opportunity to speak during the public hearing on LD 2225, “An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events.” I am pleased to follow up with these written comments.

I represent 22 coastal communities in Hancock and Knox Counties, including the country’s largest lobster port and four unbridged, offshore islands with year-round inhabitants. As you might imagine, recent storms caused unprecedented damage to both public and private infrastructure across my district, as in much of Maine. Based on my conversations with affected community members and local leaders, I offer the following feedback on the bill as proposed:

1. The need for this funding is urgent and significant. The emergency status of this bill is essential. The sooner that we can provide access to these funds and clarity around who is eligible the funds, the better. Working waterfront business owners are trying to decide – right now – whether they can afford to rebuild or if they will need to sell their properties.
2. The bill reads, “Some types of private infrastructure upgrades with significant community benefits, such as working waterfronts” – this sentence is too vague for private owners of working waterfront infrastructure. Folks whose are trying to build destroyed infrastructure need to know if financial support from the state will be an option for them. I suggest that “working waterfronts” be replaced and/or enhanced by cross-referencing a term already defined in Maine statute. For example, Title 38, Section 480-B (in the Natural Resources Protection Act) has the following definitions:

11. Working waterfront activity. "Working waterfront activity" means an activity that qualifies a parcel of land as working waterfront land. "Working waterfront activity" includes commercial fishing activities; commercial boat building and repair; commercial hauling, launching, storage and berthing of boats; marine construction; marine freight and passenger transportation; and other similar commercial activities that are dependent on the waterfront. As used in this subsection, "commercial fishing activities" has the same meaning as in Title 36, section 1132, subsection 3.

12. Working waterfront land. "Working waterfront land" means a parcel of land, or a portion thereof, abutting water to the head of tide, land located in the intertidal zone or submerged land that is used primarily or predominantly to provide access to or support the conduct of a working waterfront activity.

In my opinion, this is the best definition I found in statute at encapsulating the types of activities and associated infrastructure that need state support to build back and do so more resiliently to keep our working waterfronts alive and well. If the committee thinks the definition should be narrower, please just do so in a way that gives people certainty.

3. It is important that private entities that have sought or may soon seek loans to rebuild are allowed to apply to use this funding to repay those loans, if they are otherwise eligible for the funds. People need to rebuild soon in order to be ready for the busy summer lobster and fishing season, and loans may be their only way to do that. I would not want someone to have to wait for these funds to become available because they are concerned taking out a loan might jeopardize their eligibility.
4. I noted that Director Pingree's testimony said that "approximately \$25 million of the proposed funding would be allocated to working waterfronts... the other \$25 million would be use to support priority infrastructure adaptation projects statewide and to continue the over-subscribed municipal culvert program." That is not how the bill is drafted (though you may have received an amendment), but I support that funding split.
5. Director Pingree also shared details about how the Executive Branch envisions granting the funds. I think it is prudent to include more details like these in the bill language to provide clarity and accountability to the public and the Legislature.
6. I support the rapid deployment of funding for wharf reconstruction. However, Director Pingree stated that the "only wharf infrastructure would be covered" by the \$25 million for working waterfront. I do not agree that only wharves are critical to keep the working waterfront working. Boatyards immediately come to mind.
7. I am certain these funds will be rapidly exhausted. It is more expensive to repair damaged infrastructure than to proactively harden it against future damage. If you believe, like I do, that nearly the whole state has been through a "rainy day" like never seen before thanks to one or more of the recent storms, you might consider increasing the total funding this bill proposes. The investment will yield returns to the state's coffers.
8. It should be clear that these funds should not go to repairs that federal funding (FEMA) or private insurance will cover or be used in lieu of other available funding sources.

Thank you for considering this feedback as you continue to work on LD 2225. I would be glad to provide any additional information on behalf of my district to help in your deliberations.