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Testimony of the Maine Municipal Association

In Support of

LD 161 - Resolve, Directing the Department of Agriculture, Conservation And Forestry To Convene a Stakeholder Group Tasked With A Comprehensive Overhaul And Modernization Of The State Subdivision Laws

February 27, 2025

Sen. Curry, Rep. Gere and distinguished members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony in support of LD 161, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent communities with vastly different enforcement staff, resources and capacities.

In 2001, MMA participated in a review of Maine's subdivision law in conjunction with other stakeholders including realtors, developers, and state agencies. As part of that study, more than 80% of municipalities had adopted the statewide definitions for subdivision, and the report also includes a long list of amendments to the state laws regarding subdivision that continue to support the intended protection activities of important natural resources, transparent legal processes and respect of home rule informed by the residents of communities who must live near and with the direct fall out of incompatible development.

The issues of development motivated by economic return frequently result in problems that the local community must mitigate with limited recourse to address the cause post-development, but immediate need of resolution. These include failures to provide or maintain adequate access to safe drinking water, proper disposal of human waste, short cuts to save construction costs that later undermine habitability and stormwater runoff to adjacent lots caused by removal of natural barriers. It is the role of local government to act as the agent of human interests limit the potential negative impacts through the adoption of sensible review processes in line with state law and the needs of future occupants in balance with the economic interests of any proposed project.

For these reasons, officials respect that a new review of subdivision law with municipal stakeholders involved is offered by LD 161 rather than a wholesale attempt to pick apart complex and frequently amended statutes that are codified by reference in municipal ordinances.

To that end, officials support the proposed bill but recommend that membership be expanded under Sec. 2 (6) to include both a code enforcement officer and municipal government representation as both municipal tasks interact with the laws differently and for different goals in tandem. Municipal officials must defend the reviews and develop ordinance changes, while code enforcement officers have an operational task which include lot level reviews and enforcement. A comprehensive review with key municipal officials at the table will provide opportunities for collective discussions by those who must administer and review subdivisions and those seeking more flexibility to better understand opportunities for improvement.