

Testimony of Ashley Luszczki
In Opposition to L.D. 1882, Resolve, Directing the Department of Environmental
Protection to Conduct Rulemaking Regarding Significant Vernal Pools
Before the Environment and Natural Resource Committee
May 5, 2025

Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environment and Natural Resource, my name is Ashley Luszczki. I am testifying on behalf of the Maine State Chamber of Commerce, which represents a network of more than 5,000 businesses. Thank you for the opportunity to provide testimony on L.D. 1882, Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding Significant Vernal Pools. The Chamber is opposed to this legislation as we feel it would impact development in the state at a time when Maine faces a housing shortage, growing infrastructure needs, and a desire to attract new businesses.

Under current law, developers have some flexibility to work within the 100-foot buffer around vernal pools. This has allowed for site-specific planning that balances environmental protection with development. L.D. 1882 would eliminate that flexibility by prohibiting any disturbance within that buffer. The impact would be significant and has the potential to stop developments.

Currently, only the portion of a vernal pool that lies on a developer's property is evaluated. L.D. 1882 would change that, requiring the Department of Environmental Protection to consider the entire vernal pool, even if a portion of it is located on a neighboring parcel. This removes an important clarity for landowners. Furthermore, developers could be penalized or restricted based on land they don't own and can't access, which would make site planning much more complicated – in some cases, infeasible.

Perhaps most concerning is the reclassification of this rule from “major substantive” to “routine technical.” This change removes the Legislature’s direct oversight on an issue that clearly has significant implications for Maine’s economy, property rights, and regulatory landscape. The Legislature should retain its ability to weigh in on rules of this magnitude that would reshape land use across the state.

L.D. 1882 takes away the current flexibility, would create regulatory uncertainty, and sideline legislative authority. For gravel pit operators, housing developers, construction firms, and commercial investors, the result will be increased cost and reduced opportunity. For these reasons, the Chamber urges you to oppose L.D. 1882 and maintain the current balance.