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Testimony Neither for Nor Against LD 2171
(“Resolve, Regarding Legislative Review of Portions of Chapter 305: Natural Resources Protection Act - Permit by Rule Standards and Portions of Chapter 335: Significant Wildlife Habitat, Major Substantive Rules of the Department of Environmental Protection”)

J. Andrew Cashman on behalf of the Maine Association of REALTORS®
February 11, 2026

Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Andy Cashman. I am the Founder of Resolve Government Relations. We represent the Maine Association of REALTORS® (MAR), which is a professional trade association established in 1936 with over 6,500 members statewide. REALTORS® protect private property rights, build Maine communities, and grow our state’s economy. The Maine Association is chartered by the National Association of REALTORS® (NAR), the largest trade association in the country

We understand that LD 2171 is a review of the proposed rules put forth from the Department of Environmental Protection. Our concerns relate specifically to Chapter 305. Last session, LD 497 was enacted as law as P.L. 2025 Chapter 338 without an opportunity for a public hearing. The subsequent rule was very prescriptive and closely followed the statutory language from LD 497, to include a 100 foot significant vernal pool protection zone that applied regardless of property boundaries.

Under the current proposed rule, Chapter 305 Section 19 (Significant Vernal Pool Habitat (major substantive, directed by P.L. 2025, Chapter 338) requires no disturbance within 100 feet of a significant vernal pool depression—which is defined as the “significant vernal pool protection zone”—to the greatest extent practicable. This is in addition to the current requirement that at least 75% of the critical terrestrial habitat within 250 feet of the significant vernal pool depression be maintained and undisturbed.

The proposed rule requires the habitat around a significant vernal pool to be regulated consistently, regardless of property boundaries. Previously, development restrictions in the area surrounding a significant vernal pool were limited to the same property as the vernal pool depression. This rule is concerning from a development standpoint as it could now disrupt projects already in process. According to the Maine Housing Production Needs Study, an estimated 80,000 housing units are needed before 2030 to meet the expected population growth and remedy historic underproduction. These changes will limit development intended to bring new units to the marketplace that can address Maine’s housing needs.

Our members from across the state have expressed concern about how the modified restrictions impact development in significant vernal pool protection zones. Our members advocate for their clients and have a duty to inform them of potential impacts to property use when it comes to their investment in real property. For current property owners, property purchased with the intent to develop, may no longer be viable under the new rule. We urge the committee to consider the effective date and emergency clause of LD 2171 to allow for more consideration of the impact these changes could have on efforts to increase housing development. Additional barriers to permitting and land use will further limit development of much needed housing in our state. Thank you for your time and consideration of our comments.



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