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THE MAINE SENATE
131st Legislature

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***Testimony of Senator Teresa S. Pierce introducing
LD 596, An Act to Exempt Certain Conservation Lots from Municipal
Subdivision Review
before the Joint Standing Committee on Environment and Natural Resources
April 5, 2023***

Senator Brenner, Representative Gramlich, and Esteemed Members of the Environment and Natural Resources Committee, my name is Teresa Pierce, and I represent Senate District 25, encompassing Falmouth, Cumberland, North Yarmouth, Yarmouth (majority), Gray, and Long Island. Today, I am pleased to introduce LD 596, An Act to Exempt Certain Conservation Lots from Municipal Subdivision Review.

Current state municipal subdivision law requires municipalities to conduct subdivision when a parcel of land is divided into at least three or more tracts within a five-year period. The law does not count all new tracts of land when calculating the 3 in 5-year cap. There are exceptions for divisions done by court order, through condemnation, gifts to a family member under certain circumstances, and gifts to the municipality. This bill would add another exception for new tracts created for permanent conservation purposes, excluding them from the 3 in 5-year calculation. It would ensure that the division of a parcel of land does not create a subdivision lot if the transferred interest is to be permanently held for one or more of the following conservation purposes: retaining or protecting the natural, scenic or open space values of the land; ensuring the availability of the land for agricultural, forest, recreational or open space use; protecting natural resources; maintaining or enhancing air quality or water quality.

This proposal would also give land owners a new incentive to avoid the costly and cryptic subdivision review process. As supporters of this bill will tell you, this is within the purposes of the state's subdivision law.

This proposed change is consistent with the purposes of the state's subdivision law, as the factors planning boards must assess when weighing subdivisions include pollution, erosion, sewage disposal, impacts to groundwater, and a variety of other considerations generally attributable to development activities. On the other hand, rather than contributing to these concerns, land conservation often mitigates their impacts.

As you will hear from supporters of the bill today, this proposed change is beneficial, and would extend these benefits statewide. Conserving our cherished lands for generations to come is something I think everyone in this room can agree on.

I urge this committee to vote Ought to Pass on LD 596. I am happy to answer any questions to the best of my ability, although I am not an expert on subdivision statutes and would defer to others for more detailed questions.