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Testimony Senator Matt Pouliot

Sponsor of

LD 772 “An Act to Establish a Process to Vest Rights for Land Use Permit Applicants”

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Good Morning Senator Pierce, Representative Gere, and members of the Housing Committee, I am Senator Matt Pouliot and I have the honor of representing Senate District 15, including the towns of Augusta; Belgrade; China; Mount Vernon; Sidney; and Vassalboro. I am here today to present LD 772 “An Act to Establish a Process to Vest Rights for Land Use Permit Applicants”

This bill presents an opportunity for the Housing Committee to consider policy that will have a positive impact on all potential housing developments without mandating any particular planning or land use standards. The bill is intended to lower risk for land use applicants by lowering the risk barrier and increasing predictability.

To achieve this goal, LD 772 would lock in the provisions of a land use ordinance with respect to a particular project at the time that project’s application is submitted to the town for review and consideration. It’s worth mentioning here that our original intent with this bill was to establish the date on which an application is deemed substantially complete to lock in the ordinance. We encountered some pushback from the Revisor’s office on that front but are happy to work with this committee and the analyst to find language that could work to effectuate that intent.

I believe LD 772 does one simple thing – create a fair environment for land use – particularly housing. Maine’s current lack of certainty for land users is caused in large part by the law’s failure to cut off the date by which a land use ordinance cannot be retroactively changed. This allows land users to plan for projects appropriately. It also protects the hard work of planners and the comprehensive planning process.

I have had the pleasure of working with the Maine Real Estate and Development Association (MEREDA) to bring this bill forward. You will hear from some MEREDA members today, as well as others in the land use and housing creation space who believe this change to our statewide land use laws is necessary. In fact, I argue it is necessary in part to protect local control – by solidifying local land use codes for specific projects we can help provide the certainty that land users rarely get at the local level – a prime reason why land users seek solutions at the statewide level.

Most importantly, I believe this proposal will help prevent good, long-planned housing projects from being targeted. We have seen much-needed housing projects stopped in their tracks due to retroactive ordinance changes: This includes Kittery and nearby in Brunswick – the Brunswick projects were largely able to move on in the wake of a changed land use code, but others were not so lucky. In Kittery, a 900-unit project that was in development for over a decade was killed when a plot of land that had recently been zoned for exactly that type of project was re-zoned again to prevent this specific project from moving forward. This same fate could befall any number of housing projects, particularly as more and more come online. If we want robust housing options for Mainers at all income levels in the communities in which they live and want to live, we need to act to protect housing creation. I believe this bill will do just that.

I am open to considering changes to this legislation to limit unintended consequences. For example, I am aware of the Town of Columbia Falls, which recently had the world's largest flagpole theme park proposed for their town. Obviously, a small town like Columbia Falls cannot have planned in advance for a proposed theme park. I am open to considering changes to the bill that would protect rural towns from such massive and unforeseen projects. I am also open to considering changes to the bills that are reasonable but don't change the underlying protection of predictability for the majority of Maine land users.

Thank you for your consideration of this important piece of legislation, and I look forward to continuing to work with the committee to help advance housing in Maine.