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Testimony of the Maine Municipal Association

In Opposition to

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

November 14, 2023

Sen. Peirce, Rep. Gere and distinguished members of the The Joint Select Committee on Housing, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 772 *An Act to Establish a Process to Vest Rights for Land Use Permit Applicants*, on behalf of Maine Municipal Association's 70 member Legislative Policy Committee.

As drafted, the bill would limit municipal ability to adapt to new laws passed by this body simply because a developer submitted and had an approved permit with no time limits to the implementation. Permits for land development have a time limit simply because situations in the legal landscape change, as do the needs of many communities. As this committee has already illustrated, the ability for a municipality to meet current law is an intentionally deliberate process because the unintended consequences must be mitigated.

Moratorium passed to halt development in a community are temporary measures to develop procedures and requirements that should be considered when the law has not contemplated market forces. They can only be extended once after the initial 180 days and must show that the extension is needed because there is work in progress to mitigate the identified issues with the project.

Communities experienced this with solar development where many rural towns were targeted for large scale solar development because of a location's proximity to substations. Those developments intentionally fell just below the thresholds to trigger site law review by the state intended to prevent habitat fragmentation or mitigate stormwater runoff and communities needed to scramble to develop ordinances that would require a decommissioning process. Two years later, state law finally caught up.

As there is no expiration date included in the bill, and no requirement for the developer to be held accountable to changes in statute or ordinance requirements while they are sitting on a permit that has been issued, the bill proposes to lock in an exploit ordinance for a variety of development and freeze themselves in by only receiving a permit. And limit the ability to place stop work orders on developments with expired permits including stormwater or wastewater approvals.

For all these reason, municipal officials ask the committee to oppose LD 772 and would be happy to provide case specific reasons for the work session to provide insight why this bills is far more likely to be used in unscrupulous ways against community interests, and state development goals than it would enable needed development.