



Committee on Housing
% Legislative Information Office
100 State House Station
Augusta, ME 04333

November 14, 2023

RE: LD 1976, An Act to Update the Growth Management Program Laws

Dear Senator Pierce, Representative Gere, and Members of the Housing Committee:

My name is Francesca Gundrum and I am Maine Audubon's Policy Advocate, presenting testimony on behalf of our Director of Conservation Sally Stockwell. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine’s wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in support of the sponsor’s amendment to LD 1976, *An Act to Update the Growth Management Program Laws*. The sponsor’s amendment was distributed to the Committee and to interested parties on Thursday, November 9.

Thoughtful development takes careful planning and coordinated efforts on the part of the state, towns, and community members. Growth and conservation can coexist – *and they must* – but we have to be smart about it. As Maine grapples with a lack of housing and a growing population, the importance of judicious land use planning where we strive to balance the needs of both human and wildlife communities is paramount.

Over the past year, Maine Audubon has worked closely with a diverse coalition convened by GrowSmart Maine, a statewide non-partisan non-profit organization helping communities navigate change in alignment with smart growth, in efforts to advance smart growth principles and practices. LD 1976 provides a redline of Title 30-A, Chapter 187, the current Growth Management Law, to update and modernize the statute, which directs the land use management and comprehensive planning processes used by municipalities across the state. Maine Audubon strongly supports an update to the Growth Management program laws that will provide better technical support and guidance to municipalities interested in creating a long-term vision for their community or region that: (1) balances growth with conservation of important natural resources and rural economies; (2) encourages easily accessible multi-use village centers and downtowns; and (3) provides incentives for towns to enact policies and take actions to implement their vision. This bill proposes to help with all of this.

THE PROBLEM WITH CURRENT GROWTH MANAGEMENT PROGRAM LAWS

Maine’s Growth Management Act (GMA) is key to envisioning and building a future for Maine that works for all our residents and visitors. However, the GMA is outdated. Currently, it requires towns to undertake an extensive inventory process that has largely been replaced by readily available digital data and maps. Furthermore, the GMA has not kept pace with the rapid changes we already have seen and are likely to see more of in terms of population growth and distribution, and community character.

In recent years, Maine has experienced a sudden influx of new residents, in part because of the flexibility the pandemic offered remote workers, people seeking refuge from less habitable areas, and the expansion of broadband access. Last August, the Bangor Daily News reported that a study found Maine was the only state with increased income from 2020 to 2021 due to an increase in the number of people who fled large cities for more rural communities; had the second-highest percentage of inbound moves in the nation in 2022; and the largest population growth in two decades (*Maine was only state to gain income from pandemic population shifts*. Bangor Daily News, August 9, 2023). Additionally, second homes on lakes are in high demand and going for high prices (*Remote Maine lakes are drawing in higher-rolling homebuyers*. Bangor Daily News, August 9, 2023) and more and more out-of-state homebuyers are reaching out to consulting foresters for advice on what to do with newly acquired forestland or undeveloped forestland that surrounds their new homes.

According to a recent state-published study, to address these needs and meet the state’s policy priorities, Maine needs approximately 38,500 homes to remedy historic underproduction and will need an additional 37,900 to 45,800 homes to meet expected population growth and household change by 2030 (Table 1).

Table 1: Historic Underproduction and Future Need by Region

<i>Region</i>	<i>Historic Underproduction</i>	<i>Future Need (2021 - 2030)</i>	<i>Total</i>
<i>Coastal</i>	21,200	24,200 - 28,000	45,400 - 49,200
<i>Central Western</i>	13,000	9,700 - 11,700	22,700 - 24,700
<i>Northeastern</i>	4,300	4,000 - 6,100	8,300 - 10,400
<i>Maine</i>	38,500	37,900 - 45,800	76,400 - 84,300

Table 1. *The State of Maine Housing Production Needs Study* was published by the Maine State Housing Authority, Governor’s Office of Policy Innovation and the Future, and the Department of Economic & Community Development in October of 2023.

These and other trends suggest Maine is likely poised for more growth in the near future. Yet Maine residents and visitors prize their rural landscapes; their fishing, farming and forestry industries and heritage; their access to the outdoors for nature-based recreation, hunting and fishing; and their small town, home-rule communities. As we decide where all of this new housing will be built and assess impacts on our natural resources, rural economies, and nature-based tourism industry, it is imperative that we equip our towns – *big and small* – with the tools needed to not only make these vital decisions, but to embrace sustainable growth, community well-being, and ecological integrity throughout.

Maine Audubon is particularly interested in this bill because we see this as our best hope for providing the framework, guidance, and technical support towns and regions are desperate for in order to address these pressing needs. This legislation has the potential to rise to the challenge of planning for development in a way that both benefits human communities and mitigates impact to wildlife communities and here's why:

STREAMLINES THE COMPREHENSIVE PLANNING PROCESS

This bill is designed to help communities provide room for the additional growth needed to meet both the current and future demands for housing and jobs while also keeping the special places we all love and rely on. It proposes to do that by streamlining the comprehensive planning process, providing towns with packets of inventory data and maps from the state, encouraging towns to not only identify village growth areas and rural areas, but “village centers,” “downtowns,” “adjacent neighborhoods,” “high-impact corridors,” and “rural centers” where appropriate. The idea here is to mimic traditional New England lifestyles – ones that concentrate mixed use and more dense development in some areas; create appealing areas for community gathering; minimize transportation needs and costs; and retain rural landscapes and character in other areas.

ELEVATES IMPORTANT NATURAL RESOURCE PROTECTION PRINCIPLES

Maine Audubon is a founding member of the state's Beginning with Habitat (BwH) program which collates, maps, and distributes data on the location of high value waterways, animals, plants, plant communities, and large undeveloped blocks of habitat, which are the foundation of an interconnected system of conserved and undeveloped rural lands to complement developed lands across the landscape. Housed at the Department of Inland Fisheries and Wildlife but led by a partnership of nonprofits and state and federal natural resource agencies, Beginning with Habitat has a vast array of maps, digital data, printed guides, and publicly available guidance on how towns can incorporate these data into their comprehensive plans and land use ordinances.

However, many towns are unfamiliar with these resources and/or the technical support available for how to use them. This bill ensures the state will provide these and other data and resources to any town that undertakes a comprehensive planning process as a package that can be used by the town without having to do their own inventory in order to meet the requirements of the

comprehensive planning process. A town can always add local information to the data package, but they will no longer have to spend excessive time and energy undertaking their own inventory if they do not want to.

RECOMMENDS STATE SUPPORT TO MUNICIPALITIES

In addition, the bill proposes to continue and potentially expand technical and financial support from the state to municipalities through Regional Planning Commissions and a more robust Municipal Planning Assistance program – both of which are needed to help towns craft their Comprehensive Plans and then implement them. However, these entities are severely underfunded and understaffed, and without investing in these programs the goals of this bill will only partially be filled. That’s why we also are strongly supportive of the Governor’s bill, LD 1934, *Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine*, which will help boost the services these programs are able to provide. This was a key recommendation from *Maine Won’t Wait*, the Maine Climate Council’s 2020 Climate Action Plan.

As part of the Maine community, we desire to see our neighbors thrive. Thoughtful development and land use planning are foundations of a flourishing community. As wildlife and wildlife habitat advocates, we seek and support comprehensive planning policies that do not unduly impact Maine’s natural resources – from lakes, rivers, and streams that provide clean drinking water, to habitats that are critical to preserving biodiversity, upon which all life depends.

The version of this bill as amended by the sponsor is much improved over what was initially submitted last session. While the updated language is more streamlined, effective, and easier to understand, we believe that there is still room for improvement. As one example, we offer the following specific comments on LD 1976 – all of which have been shared with the bill sponsor:

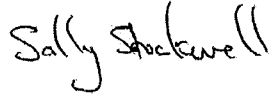
PAGE 12 F.: Delete “critical” before natural resources, as “critical natural resources” is defined in detail on Page 2 and does not line up with its use here. We recommend keeping the specific list on page 2 and keeping this section more general.

PAGE 17 C.: Change to read: *Important natural resources, critical natural resources, or other locally or regionally valuable natural resources such as aquifers, wetlands, wildlife and fisheries habitats, shorelands, scenic areas, coastal islands and heritage coastal areas as defined under Title 5, section 3316.* As it reads now, the language mixes and confuses all of the above. We recommend adding the “locally or regionally valuable” language to make it clear there may be other resources of importance to a community that are not state significant.

We believe that the sponsor’s amendment to LD 1976 offers an important step in the right direction for addressing Maine’s comprehensive planning needs. Fostering a prosperous coexistence between human activities and natural ecosystems is crucial for maintaining ecological integrity while meeting the needs of a growing human population. We urge you to send LD 1976 on to its Work Session with the understanding that there are many stakeholders who have additional expertise to offer

in terms of refining and sharpening bill details before a final vote. Thank you for your consideration. We welcome the opportunity to engage in efforts to improve this important bill.

Sincerely,



Sally Stockwell
Director of Conservation

References

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- Valigra, L. (August 9, 2023). Remote Maine lakes are drawing in higher-rolling homebuyers. *Bangor Daily News*.
www.bangordailynews.com/2023/08/09/news/canadian-border-orient-homebuyers-joam40zk0w/
- Maine Housing Authority, Governor's Office of Policy Innovation and the Future, & Department of Economic & Community Development (2023). State of Maine Housing Production Needs Study: Homes to support Mainers and Maine businesses, now and in the future.
www.maine.gov/future/sites/maine.gov/future/files/inline-files/State%20of%20Maine%20Housing%20Production%20Needs%20Study_Executive%20Summary_Final_10.3.23.pdf