



**Testimony of Abby Farnham, Assistant Director, Policy and Research, Maine Farmland Trust,  
to the 131<sup>st</sup> Legislature's Joint Select Committee on Housing  
November 14, 2023**

Good morning Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing. My name is Abby Farnham and I am providing testimony today on behalf of Maine Farmland Trust (MFT) in support of LD 1976, *An Act to Update the Growth Management Program Laws*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Our goal is to keep agricultural lands working and help farmers and their communities thrive. Since our founding in 1999, MFT has helped to permanently protect more than 330 farms and keep nearly 60,000 acres of farmland in farming. In recognition of the critical role towns play in protecting agricultural lands and supporting viable farms, we provide informational resources and direct technical support to municipalities on farm-friendly policy tools and planning strategies, including comprehensive planning.

Protecting farmland is important for ensuring we have the land base needed to grow our agricultural economy and create greater food security for our state and region. Working farms and farmland are also important for meeting the state's climate action goals, including to increase both the amount of Maine-produced food consumed in the state and the total amount of land conserved statewide to 30 percent by 2030.<sup>1</sup> Farms also create numerous benefits for local communities, including fiscal benefits, as farmland, even when assessed at its agricultural value, typically requires less in municipal services than it generates in local property tax revenues.<sup>2</sup>

But, farmland in Maine is at risk. The 2017 Census of Agriculture showed that between 2012 and 2017, Maine lost more than 10 percent of its farmland, over 146,000 acres<sup>3</sup>—making Maine one of the top five states in the country with the highest percentage of farmland lost, according to American Farmland Trust.<sup>4</sup> Maine is losing farmland to all types of development,

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<sup>1</sup> Maine Climate Council, *Maine Won't Wait: A Four-Year Plan for Climate Action*, p. 66 and p. 76 (2020), available at: [www.maine.gov/climateplan/](http://www.maine.gov/climateplan/).

<sup>2</sup> American Farmland Trust Farmland Information Center, *Cost of Community Services Studies*, p. 1 (September 2016), available at: [www.farmlandinfo.org/publications/cost-of-community-services-studies/](http://www.farmlandinfo.org/publications/cost-of-community-services-studies/).

<sup>3</sup> In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine's farmland. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U.S. Census of Agriculture for 2017, Maine*, [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/Maine/mev1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf).

<sup>4</sup> American Farmland Trust, "2017 Census of Agriculture," <https://farmlandinfo.org/2017-census-of-agriculture/>.

including low-density residential development, which fragments the agricultural land base and threatens the viability of an area's remaining working farms.<sup>5</sup>

Although significant progress has been made towards protecting Maine's essential farmland, only 4.8 percent of Maine's total agricultural land is currently protected—whether by an agricultural conservation easement or through fee ownership by conservation organizations, towns, or state government—the lowest amount of any New England state.<sup>6</sup> We know that targeted action at the municipal level is also needed. By advancing policy and planning strategies that protect the agricultural use of the land and limit the impact of non-agricultural development on farmland, towns can help their community maintain the land base and agricultural resources needed for new and established farmers to sustain and grow their operations now and into the future.

MFT supports LD 1976 because it elevates the importance of working lands and identifying farmland that may be at risk within the comprehensive planning process, and seeks to create more targeted opportunities for towns to promote thoughtful location of development and proactively protect farmland. We also support the bill's promotion of affordable and workforce housing, which is critical for the resilience of local communities broadly and is also necessary for addressing the challenge Maine's agricultural industry is facing with farm labor shortages.

MFT also supports the intention of the bill to strengthen the ways in which targeted local policies that align with the comprehensive plan are developed and implemented through the planning process. Understanding the breadth and depth of agricultural resources and activities that exist in communities, as well as threats and opportunities relating to farmland protection, farmland access, and farm viability, are all important parts of the comprehensive planning process and are critical for identifying effective policies to sustain and grow local agriculture. In addition to utilizing available data and maps as resources for building this understanding and informing policy solutions, MFT encourages towns to engage directly with the agricultural community to identify policy changes that will address the specific and diverse needs of local farmers and food producers.

Although MFT agrees that updates to the Growth Management Program and associated guidance for towns are important for protecting Maine's critical agricultural resources and the future of farming in our state, particularly as more farmers reach retirement age and development pressures on farmland increase, we also understand that many small and under-resourced municipalities often lack planning resources and capacity. Therefore, we also support more financial and technical assistance being made available to municipalities to engage in effective and proactive planning, community engagement, policy development, and implementation.

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<sup>5</sup> American Farmland Trust, (2020) *Farms Under Threat: The State of the States*, "Agricultural Land Conversion Highlight Summary: Maine."

<sup>6</sup> Pottern J. and Barley L., American Farmland Trust, *Farms Under Threat: A New England Perspective*, p. 21 (2020).

## Specific areas of feedback

We offer the following specific feedback and suggestions on the proposed sponsor amendment:

Sec. 1, §4301, 4-D - Include within the definition of “critical natural resources” agricultural soils as designated and mapped by the USDA Natural Resources Conservation Service (NRCS) as prime farmland and soils of statewide importance, and as determined by Maine’s Soil and Water Conservation Districts as locally important soils (where applicable and accessible). Prime and statewide important soils possess the most desirable attributes for agricultural production and locally important soils are determined by where they occur because of their importance for agricultural productivity.<sup>7</sup>

Sec. 2, §4312, 3

- F - Include agricultural soils as one of the other critical natural resources to be protected.
- H - Expand and strengthen this goal as it relates to agriculture by including language on protecting access to farmland and promoting the viability of the agricultural industry, in addition to safeguarding agricultural resources from development. Since these state goals are a driving factor in the policy development and implementation sections of this bill, as well as in the policies and strategies established through associated rulemaking, highlighting the importance of viability and access could help ensure that policies identified and developed by towns help to address a wider range of farm business and land use needs.

Sec. 6, §4326, 1, E - Include within this optional data point the suggestion for towns to not only consider and analyze commercial agricultural land and whether it is at risk of a change in use, but also currently inactive farmland that may be suitable for agricultural use in the future and therefore an important farmland access opportunity, but may also be at risk of development and becoming unavailable for agricultural production.

Sec. 8, §4326, 3-A, 1 -

- If agricultural soils are to be required under the environmental systems data to be mapped and analyzed, it would be helpful to define these soils within the bill language (potentially through the suggestion offered above under Sec. 1) or through associated rulemaking.
- It seems appropriate that ‘significant farmland’ is not defined within the bill language, as different considerations and factors may be relevant to different communities, but the associated rulemaking could offer ideas for municipalities to consider when determining what farmland is significant (e.g. soils type, contiguous acreage amount, open agricultural land, land in active agricultural use, land that is important to the food

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<sup>7</sup> U.S. Code of Federal Regulations Title 7 Subsection 657.5 “Identification of important farmlands:” <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VI/subchapter-F/part-657> and Maine Instruction 430-380 – Prime, Statewide, Unique and Locally Important Designation (May 2020).

production practices of community members, land that supports other farms and is important for keeping farming part of the local economy, etc.).

We understand that further feedback from stakeholders on this bill may identify additional important and desired changes, and MFT would be happy to participate in any further feedback gathering opportunities or associated rulemaking related to the bill. The forthcoming revision to our farm-friendly municipal guide, the Second Edition of *Cultivating Maine's Agricultural Future: A Policy and Planning Guide for Towns*, which MFT is producing in collaboration with Maine Department of Agriculture, Conservation and Forestry, may also be a useful resource during the rulemaking process, along with GrowSmart Maine's online Planning for Agriculture Toolbox.

Thank you for the opportunity to provide comments today.