



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

John "Jack" E. Ducharme III

34 Heald Street
Madison, ME 04950
Cell: (207) 431-0775
Jack.Ducharme@legislature.maine.gov

Presenting LD 161

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes February 26, 2025

Senator Curry, Representative Gere, and the Honorable members of the Joint Standing Committee on Housing and Economic Development. My name is Jack Ducharme and I proudly represent the people of Cornville, Madison and Norridgewock in the Maine House of Representatives. I come before you today to present LD 161, Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes.

Maine's subdivision law was first enacted in 1969 to preserve public health, safety and general welfare, to support and encourage Maine's natural resource-based economy and strong environmental protections primarily in the unorganized and deorganized townships of the State. There are a number of Titles that are affected by the "Subdivision Law" and it is my intent that each be reviewed to make sure it fits in our 21st Century world.

Each section of Maine statute has an impact on land use planning and development, particularly in the area of subdivision law. Each has items that pertain to that title's function in statute. The statute deals with land use management, with environmental protections as well as municipal growth. Couple this with Maine's long held "Home Rule" protections for municipalities and you have a conglomeration of laws that can be difficult to understand, harder to manage and easy to unwittingly violate. Further, many of the practices of towns have layered on levels of complexity in the application process that discourages many from even applying for subdivision approval.

This resolve is a duplicate of the LD 1787 that passed on a unanimous committee vote in the 131st and went under the hammer in that same session. The resolve ended up on the special study table. It ultimately died on the desk of the Chief Executive for lack of \$36,000 in funds to execute the study.

As we look forward to managing the growth of our state and protecting our natural resource areas, it is critical that our regulations reflect 21st century thinking and practices. The current law is a one size fits all approach to

District 71

Cornville, Madison, and Norridgewock

regulating development. This is not practical with a state as large and as diverse as Maine. What works well and fits in Cumberland County may be completely unworkable in Somerset County. The current statute has many exemptions that lack clarity and create confusion. Like many regulations passed in Augusta, we fix one area of the law that was an "unforeseen consequence" only to find another piece that got affected by the fix that we need to address later on. It is only through a comprehensive review of the regulations that we can effectively address the concerns and meet the needs of the people of Maine.

As we struggle with housing development in our State, it is time that we take a step back and look at how we are managing housing development in Maine. While I would be the last person in Maine to do anything that minimizes home rule for our municipalities, I believe that we must look at these statutes to ensure that we are effectively managing growth while protecting our natural resources. Many municipalities don't have the resources to review and develop these regulations effectively. I believe that it is incumbent on the State to provide recommendations to our towns and counties for land use management.

I understand that this bill will likely end up in the new Maine Office of Community Affairs. That is fine as this bill affects all Maine communities. While the resolve changes nothing currently in Maine or municipal law regarding subdivision of land, it provides the opportunity for a comprehensive look at how we are managing our land resources in Maine. A successful review will provide necessary updates in process and procedure to bring Maine's land use regulation into the 21st century and position us for the future. I ask for your support of LD 161.

Thank you.

Jack Ducharme

Jack Ducharme