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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON
HOUSING AND ECONOMIC DEVELOPMENT
IN SUPPORT OF 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 Laws

February 27, 2025

Senator Curry, Representative Gere, and members of the Joint Standing Committee on Housing and Economic Development, my name is Judy East. I am the Director of the Bureau of Resource Information and Land Use Planning (BRILUP) within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking in support of 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 Laws.*"

This Resolve is substantially the same as LD 1787 from the 131st Legislature, which required that DACF convene a stakeholder group to review and recommend a comprehensive overhaul and modernization of the subdivision laws in Titles 30-A, 12, and 38. LD 1787 did not pass on adjournment and because of a significant fiscal note. As with LD 1787, The Department must submit a report to the legislative committee having jurisdiction over subdivision matters, which may report legislation to the Second Regular Session of the 132nd Legislature.

The Department agrees that the subdivision laws are overdue for review. Maine's subdivision laws have an extraordinarily long and complex set of criteria to exempt land divisions from the definition of a subdivision or from review by the law entirely. This demands title review and record keeping that exceeds the capacity of many municipalities. Even if these exemptions persist, the law needs to raise the threshold for what requires subdivision review to support additional density and infill development in growth areas and areas with water and sewer. BRILUP has met with the bill's sponsor, Representative Ducharme, and discussed changes to the Resolve. These are rooted in ensuring broad stakeholder group representation, proposed changes in state government in the biennial budget, and budgetary constraints, as well as the need for a longer timeline.

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First, the Municipal Planning Assistance Program (MPAP), currently at BRILUP, is proposed to move to the Maine Office of Community Affairs (MOCA) in July 2025. While the Land Use Planning Commission (LUPC), whose subdivision law is found within Title 12, will remain within BRILUP, considerable knowledge exists within MPAP of the subdivision law in Title 30-A. Therefore, we suggest that DACF and MOCA jointly convene the stakeholder group.

Second, to achieve full representation of stakeholder interest, we recommend three adjustments to the list of stakeholders. Change “a representative from the Registry of Deeds” to a representative of the land surveying industry in recognition that the Registry of Deeds receives a final product. In contrast, a representative of the land surveying industry prepares subdivisions and must be responsive to regulation. We recommend adding the LUPC Chair or the Commission Chair’s designee, given that knowledge of the LUPC subdivision regulations is necessary for their revision. We also suggest adding to “a representative of the real estate development industry” language that indicates we seek a practitioner with experience promoting housing in growth areas with attention to climate resilience. This recognizes the state's current housing crisis and the need to develop areas resilient to the increasing frequency and severity of storms.

We have also discussed with Representative Ducharme that conducting a comprehensive overhaul of these 3 statutes will take longer than can be adequately completed within a December 2025 timeframe. To ensure some legislative initiatives can be accomplished by the 2nd session of the 132nd legislature, we discussed including the requirement to submit an interim report in March of 2026 with authorization to report out legislation for the 2nd session of the 132nd legislature and a final report in December 2026 with authorization to report out legislation for the 133rd legislature.

Finally, given the budget constraints of the current legislative session, we suggest giving BRILUP and MOCA the flexibility to hire consulting assistance from private, public, and philanthropic sources. We would be happy to provide the committee with language to that effect.

Thank you for your time. I would be happy to answer any questions now or at the work session.