



Stacy Brenner
Senator, District 30

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Stacy Brenner in introducing LD 1072, "*An Act to Amend the Laws Governing the Land for Maine's Future Program and to Authorize the Use of Options to Purchase at Agricultural Value*"

Before the Joint Standing Committee on Agriculture, Conservation and Forestry
March 27, 2025

Representative Pleucker, Senator Talbot Ross and esteemed members of the Joint Standing Committee on Agriculture, Conservation and Forestry. I am Senator Stacy Brenner, representing Senate District 30 which includes all of Gorham and most of Scarborough. I am before you today to present LD 1072, *An Act to Amend the Laws Governing the Land for Maine's Future Program and to Authorize the Use of Options to Purchase at Agricultural Value*.

The Department will follow my testimony and outline in more detail the exact changes they are proposing, but I was glad to introduce this on their behalf as it would clarify and ensure that the related laws in the Land for Maine's Future statute are applied fairly and consistently and reflect an iterative update to the law.

I want to remark specifically on Part B of this proposal.

The **Option to Purchase at Agricultural Value (OPAV)** is a powerful tool in farmland conservation, ensuring that agricultural land remains both affordable and accessible to farmers. At its core, OPAV prevents farmland from being lost to development or sold at prices that make it unattainable for working farmers. By granting a land trust, conservation organization, or government agency the right to purchase the land at its agricultural value—rather than its often higher market price—OPAV helps safeguard farmland for generations to come. This is an additional encumbrance beyond just the agricultural easement that prevents non-agricultural development.

Here's how it works: A landowner voluntarily places an OPAV on their property, often in exchange for financial incentives and in concert with an agricultural conservation easement. If they choose to sell, the land must be sold at a price that reflects its agricultural use, rather than speculative or development-driven values. And if a non-farmer attempts to buy the land at a higher price, the land trust or designated entity has the right to intervene and purchase it at agricultural value, ensuring it remains in the hands of those committed to farming.

One of the most critical benefits of OPAV is its ability to **prevent high-value farmland from being turned into estate properties**. Farmland in scenic areas or near growing communities is often targeted for luxury homes, second residences, or investment properties—driving prices far beyond what a working farmer can afford. Without OPAV, farmland with a nice view or in a



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convenient location is often sold to the highest bidder, removing it from agricultural production permanently. By requiring that the land be sold at its agricultural value and to a farmer, OPAV **ensures that land transitions to those who will keep it in farming**, rather than those seeking a private estate.

The benefits of OPAV are far-reaching. It **keeps farmland affordable**, preventing land speculation that drives up costs. It **supports the next generation of farmers**, making it easier for young and new farmers to access land. It **preserves agricultural land use**, ensuring that farms are not lost to commercial or residential development. OPAV also **strengthens local food systems**, keeping land in active production and supporting rural economies.

In short, OPAV is an essential tool for protecting our farmland, supporting farmers, and ensuring that agricultural communities continue to thrive throughout Maine. By keeping land in the hands of those who cultivate it, OPAV helps build a future where farming remains viable, sustainable, and accessible to all who wish to work the land. Making sure LMF projects allow for this additional tool to be used will help keep high value agricultural land in production.

Thank you for your time and attention. I ask that you save your questions for the Department. I am sorry to not be present with you all today and appreciate your grace while I make time for family obligations. I will be present for the work session.