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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

**IN SUPPORT OF 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*

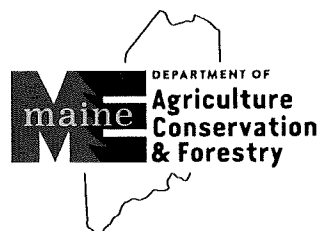
**March 27, 2025**

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee of Agriculture, Conservation, and Forestry, my name is Laura Graham. I am the Director of the Land for Maine's Future (LMF) program within the Department of Agriculture, Conservation and Forestry's (DACF) Bureau of Resource Information and Land Use Planning. I am speaking in support of 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 bill amends the LMF statute to align the law with current program requirements. The introduction to the LMF program, "Findings" in Title 5, §6200, does not mention working lands; however, elsewhere in the statute, working lands are a core component of LMF's overall scope (e.g., working waterfront and working farmland in §§6203-B and 6203-C). This bill would resolve this inconsistency by including working lands within the Board's charge. The remaining provisions proposed in LD 1072 improve consistency and address redundancies or references to practices that were applicable when LMF directly negotiated land acquisitions but are no longer relevant now that state agencies and cooperating entities fulfill this function. DACF would like to propose a friendly amendment to the bill under section A-11 for §6209 (6). We would like to propose "and held by the State" to avoid the unintended consequence of unconstitutionally requiring a 2/3 vote of the legislature on transfers or uses of lands held by private entities.

The bill also adds a new section to Title 33. Conservation easements protecting working farms sometimes include a provision giving the easement holder a right of first refusal, allowing them to purchase the property at a below-market price if the owner wishes to sell it. These provisions, commonly called an Option to Purchase at Agricultural Value (OPAV), would help keep Maine farmland affordable for farmers, and our Working Farmland Access and Protection Program (WFAPP) would benefit from the availability of this tool. Without statutory authorization, however, the Attorney General's Office has advised us that OPAV provisions, as a perpetual restraint on alienation, may not be valid. A statutory change (mirroring the statutory

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authorization for Working Waterfront Covenants found in Title 33, Chapter 6-A) is necessary to enable WFAPP OPAV provisions.

Lastly, the bill amends Title 33 §479-C to improve conserved lands reporting, changing the form and manner of reporting to one that displays the required information in a geographic information system (GIS) map layer accessible to the public.

Updating the LMF statute will give the public the clarity they need to understand and engage with the program while removing obsolete provisions that are no longer useful. Authorizing the use of OPAV provisions will further enhance the statute, giving LMF staff an important tool for protecting our working farmland. Amending the form and manner of reporting on conserved lands will make the information more accessible to all.

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