



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BUREAU OF PARKS AND LANDS  
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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY  
IN OPPOSITION TO LD 1529**

*An Act to Enhance the Protection of High-value Natural Resources Statewide*

**April 17, 2025**

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Judy East, and I am the Director of the Bureau of Information and Land Use Planning (BRILUP) within the Department of Agriculture, Conservation and Forestry. I am here today to testify in opposition to LD 1529, *An Act to Enhance the Protection of High-value Natural Resources Statewide*. I speak on behalf of the multiple program areas within DACF that the proposed legislation will impact.

**Land Use Planning Commission (LUPC)**

LUPC serves as the planning, zoning, and land use permitting authority for the unorganized and deorganized areas of the state, including all townships, most plantations, and certain small towns. These areas either have no local government or have chosen not to administer land use controls at the local level. The Commission's Lakes Management Program, initiated with the Maine Wildlands Lakes Assessment in 1986, provides a systematic approach to managing approximately 1,500 lakes of 10 acres or more in the Commission's service area. This program was developed through careful stakeholder engagement and represents a balanced lake conservation and development approach.

The Commission's Lakes Management Program recognizes six specific lake classifications for special planning and management purposes based on natural resource values and land use characteristics. These classifications are implemented through lake protection subdistricts and land use standards. Lakes not included in one of the six classifications are considered Management Class 7 lakes.

While we appreciate the intent of LD 1529, we must raise several important considerations with regard to the Land Use Planning Commission:

First, we believe any significant changes to lake classifications should be preceded by a comprehensive policy review that includes thorough data analysis and broad stakeholder input. Since the current policy and associated rules come from the Commission's Comprehensive Land

Use Plan (CLUP), incorporating this review into the Comprehensive Land Use Plan (CLUP) update is the most appropriate path forward. The CLUP was last updated in 2010. A new update, authorized by the Commission in December of 2024, is now underway.

Second, if we were to proceed with reclassifying Class 7 lakes as proposed, we would need to maintain consistency with our original assessment methodology, conduct field verifications, and ensure we maintain an appropriate balance between conservation and development.

LUPC lacks the staff and financial resources to review the 166 affected Class 7 lakes comprehensively. Implementation would require external consultant support at an estimated cost of \$125,000.

### **The Land for Maine's Future Program (LMF)**

Section 3 of the bill proposes changes in the implementation of the Land for Maine's Future Program. While the annual revision of the LMF Workbook is a standard procedure, the bill language presents challenges regarding definitions and identification criteria, which would necessitate reliance on applicant self-reporting. Verifying this self-reporting would fall on the Maine Natural Areas Program (MNAP), similar to the MNAP review of other criteria in Section 6207. A more efficient approach would be to integrate the proposed priorities within the existing framework of Section 6207 rather than introducing additional priority categories that would effectively dilute the value of other priorities.

### **Maine Forest Service (MFS)**

Sections 1 and 2 of the bill propose statutory definitions of late-successional and old-growth forests. While the proposed definitions are grounded in ecological science, they rely heavily on qualitative features and assessments that are open to interpretation and difficult to apply. Given the policy and programmatic importance of these definitions, we'd recommend that definitions be established by establishing a targeted stakeholder group to develop more consistently applicable terms.

Section 4 adds substantial requirements to the Maine Forest Service's (MFS) Forest Resource Assessment Program, particularly the report on the state of the state's forests. This every-five-year comprehensive report is next due in 2026. While past reports have incorporated some information regarding late-successional and old-growth forests, addressing these additional requirements would be very challenging, especially in tandem with the requirements of section 5.

Section 5 requires the Department to develop a comprehensive, statewide strategy to enhance the conservation of late-successional and old-growth forests and "transitioning late-successional forest." In addition to the definitional issues mentioned earlier, the proposed November 2026 deadline for developing this strategy presents several operational constraints. The initiative establishes an involved process requiring technical expertise and support staffing needs that exceed MFS's current capacity and would require additional funding beyond our current budget allocation. The process also demands adequate time and resources to conduct the comprehensive stakeholder engagement, as mentioned already, scientific assessment, and multifaceted policy analyses envisioned in the bill.

In addition, the reporting frameworks outlined in sections 4 and 5 would require robust field monitoring, staffing, data acquisition, and management infrastructure that exceeds current MFS capacity. The ongoing reporting cycle, as proposed, would also suggest evaluation and alignment with respect to existing conservation metrics.

Thank you for considering these important factors in your deliberations. I would happily answer questions now, and we will also have MFS, LUPC, MNAP, and LMF staff available at the work session.