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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON  
HOUSING AND ECONOMIC DEVELOPMENT  
NEITHER FOR NOR AGAINST LD 1396**

*An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered a Subdivision*

**April 25, 2025**

Senator Curry, Representative Gere, and members of the Joint Standing Committee on Housing and Economic Development, my name is Joan Walton. I am the Director of the Municipal Planning Assistance Program in the Bureau of Resource Information and Land Use Planning at the Department of Agriculture, Conservation and Forestry. I am speaking neither for nor against LD 1396, *An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered a Subdivision*.

The bill amends the definition of a subdivision to exclude the creation of up to 4 lots or dwelling units on a parcel of land. The law currently excludes the creation of up to 2 lots or dwelling units on a parcel of land from what constitutes a subdivision. The bill further allows the creation of an attached or unattached accessory dwelling unit (ADU), which does not constitute the creation of a subdivision lot. The bill also amends the exception to the subdivision law that allows for the division of a new or existing structure into 3 or more units to allow the creation of any number of dwelling units in the structure's interior.

Maine's 2025 *Roadmap for Future Housing Production in Maine* (Roadmap) identifies strategies to streamline processes and build public capacity for housing production. One strategy is to raise the threshold for State subdivision review to support additional density and infill development. LD 1396 proposes to raise this threshold as described above and consistent with the Roadmap's recommendation. However, the Roadmap qualifies the strategy to only increase density in this manner in locally designated growth areas and those areas served by public water and sewer. Should the bill proceed, the Department agrees with this qualification on where to encourage increased density.

The Roadmap notes further that increasing the subdivision review threshold from three to five units "does not address the fact that subdivision law is very complicated in Maine and difficult to interpret and navigate across municipalities. Subdivision law requires a more comprehensive review and overhaul." We agree. Such a review would ensure that several pending bills

proposing changes to the subdivision law are coordinated. This could avoid unintended conflicts and reduce the difficulty for municipalities to interpret and enforce the amendments.

The Department supports the inclusion in Section 1 of a requirement for adherence to other applicable municipal requirements, including road and safety standards (4. D-1) and allowing for lot line modifications among abutting landowners without requiring subdivision review (4. D-6).

This bill's effective date is January 1, 2026. This predates the annual town meetings in March and June 2026. A later effective date would allow municipalities time to update their ordinances, remove the need to hold special town meetings, and reduce the creation of non-compliant subdivision ordinances by default. Additionally, there is a reference to the unorganized territory on page 3, Paragraph K, line 31. This should be removed as the Unorganized Territory is governed by Title 12, not Title 30-A.

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