

**TESTIMONY OF
Deirdre Gilbert
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
In Opposition to
LD 1625 An Act Regarding the Preservation of Working Waterfronts
Before the Committee on Marine Resources
Sponsored by Representative Mathieson
Date of Hearing: April 24, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy for DMR and I am testifying on behalf of the Department in opposition to LD 1625.

LD 1625 proposes to modify Title 12 (DMR statutes) to establish the Maine Working Waterfront Preservation Program, and Title 5 (Land for Maine's Future statutes) to establish the Maine Working Waterfront Preservation Fund. As with the existing Working Waterfront Access Protection Program (WWAPP), DMR and the LMF Board would both participate in this new Program, the goal of which is to preserve strategically significant working waterfront property from redevelopment for purposes that are not related to working waterfront uses.

The Department is grateful to Representative Mathieson for bringing forward this bill, which seeks to address one of the most challenging issues that Maine's working waterfronts face. The town of Kittery has direct experience with the threat of conversion that comes when long-time working waterfront properties are put up for sale. At present there is no formal mechanism for "rapid response" so that an available property can be secured and encumbered to prevent its development for non-working waterfront purposes. From conversations with the sponsor and her constituents, we understand that the goal of this legislation is to establish such an opportunity.

DMR's concerns about this bill are mainly that the new program (the Maine Working Waterfront Preservation Program) directly replicates the existing Working Waterfront Access Protection. It differs only in the LMF statutes, which my colleague from the Department of Agriculture, Conservation and Forestry can explain. However, we understand that the expectation is that this new Program would be run on a rolling basis, rather than according to established "rounds" as the WWAPP is currently administered. While this would allow for some increased responsiveness, it is important to understand that if the goal is permanent protection of the property in a manner similar to the existing working waterfront covenant, that is inherently not a "rapid" process, requiring a minimum of a year under the best of circumstances. Further, it is a policy decision how to administer the WWAPP – that could be run on a rolling basis if staff capacity allowed and it was determined that the process should not be a competitive one.

DMR and LMF have discussed with bill proponents that rather than create a new State program that is different from an existing program only marginally in its timing, that we share an interest in developing

new and different tools that might prioritize speed over permanent protection. In addition, there is a group working toward the potential development of a new entity, external to state government, that would serve as an equivalent to Maine Farmland Trust, but for Working Waterfront. An independent land trust could act swiftly to secure working waterfronts that may become available, and then use the existing WWAPP to recoup some of their investment through the sale of a covenant, and then sell the secured property to a business that will continue to operate the property as working waterfront.

Again, DMR supports the attention to this issue and is committed to ongoing work toward the creation of new tools, but cannot support this legislation as proposed. Thank you for your consideration and I would be happy to answer any questions you may have.