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Testimony of the Maine Municipal Association

In Support for

LD 1751, *An Act to Improve the Growth Management Program Laws*

In Opposition to

LD 1940, *An Act to Revise the Growth Management Program Laws*

May 6, 2025

Sen. Curry, Rep. Gere and esteemed members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony in support for LD 1751, *An Act to Improve the Growth Management Program Laws*, and in opposition to LD 1940, *An Act to Revise the Growth Management Program Laws* at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent communities with vastly different enforcement staff, resources and capacities. Their primary opposition to LD 1940 is that it requires a one way approach to planning with little flexibility to approach planning in new ways in the future without legislative changes. Planning approaches are not static and flexibility in statute allows them to pivot quickly.

Officials have had the opportunity to weigh the language presented in both bills, though arguably much less on LR 289 now LD 1940. LD 1751 builds upon and significantly strengthens earlier reform concepts that quite frankly would not have occurred without the efforts of Rep. Sachs to amend this complex section of law, and we are grateful for these efforts. She has been inclusive and accessible and willing to meet with those who are doing these tasks every day, an inclusive approach that is largely missing from the many proposals that have come before this committee to date, however there is philosophical difference in producing maps and the collection of necessary data that are consistently amended with in the life cycle of this complex process. Officials ultimately favored the version that improves the existing structure which they are most familiar with and does not force place types on all communities which is construed as zoning but allows it to be a factor when and where desired directed with support from the state and regional planners.

The support for LD 1751 stems from the empowerment to adopt the place-type planning offered in LD 1940, but also the ability to keep growth community defined and maintain a comprehensive plan that does not require the adoption of zones.

LD 1751 represents a thoughtful and timely modernization of Maine's comprehensive planning and land use management framework. By updating definitions, streamlining procedures, and better integrating current priorities like climate resilience, housing affordability, and regional cooperation, this bill ensures that Maine's communities are better equipped to grow sustainable and equitably informed by local reality.

While both proposals share commitment to improving municipal planning and coordination, LD 1751 offers more clarity, specificity and modernized structure that balances all state goals including historic preservation, emerging economies, and environmental concerns. While the revisor draft of LD 1940 introduced general updates, LD 1751 clearly defines expectations for local and regional planning efforts but requires a need-based inventory for housing, infrastructure, and environmental protection which coexist in many growth areas. Additional LD 1751 established clear goals for future land use planning, including identification of growth, rural, and transitional areas. Importantly the bill integrates climate vulnerability assessments directly into the planning framework, aligning with Maine's Climate Action Plan.

These details offer municipalities clear guidance while preserving flexibility for local adaptation. It is clear that place-type zoning is not desired by many communities while comprehensive planning that identified resource protection activities is desired by all communities. LD 1751 provides a path to both, and keeps the growth area exemption desired by many municipalities.

LD 1751 strengthens the review and certification process by extending certification validity from 10 years to 12 years, reflecting planning cycles more realistically. Additionally, it improves response timelines for state review and public comment shortening the state review window and ensuring timely feedback, and most importantly for communities it creates a firm structure for addressing inconsistencies and providing a 24 month correction window. These were some of the key issues BuildMaine expressed desire to change and have been corrected in the LD 1751 draft beyond LR 289 (LD 1940). These changes go beyond LD 1940 and ensure faster, more responsive interaction between local governments and the state.

LD 1751 takes a more proactive stance on housing equity by directly aligning the definition of affordable housing with the Maine State housing Authority. The bills also includes tools like reduced parking minimums, reuse of upper stories and policies that affirmatively further fair housing by encouraging multimodel housing development and mixed-use projects where they make sense, and are community identified. Where they are not, there is no need to provide these elements in a plan.

In summary, LD 1751 is a thoughtful comprehensive update to Maine's growth management framework. It provides legal clarity, modern policy tools, and accountability that local governments need to plan responsibility for housing, infrastructure, climate, and community health. It incorporates the foundational ideas from 1940, but it is sharper, stronger and better aligned with current challenges and opportunities.

Among the bill's many strengths that builds on familiar processes with flexibility to include community designated approaches to planning, I want to highlight several key provisions:

1. **Emphasis on Affordable and all income inclusive housing:** By aligning the definition of affordable house with statewide housing policies that both locally empower regulatory barriers to housing production, the bill responds directly to Maine's ongoing housing crisis encouraging municipalities to plan for housing near jobs and services in balance with environmental stewardship. It also allows smaller communities to think about how to grow housing within their own identified residential zones without the need for a designated growth area usually associated with economic activity.
2. **Support for Regional Collaboration:** LD 1751 encourages multimunicipal planning where they exist, and recognizes that growth management challenges, whether infrastructure, economic development or environmental protection do not stop at municipal boundaries. The bill aids in directing the facilitation for regional strategies while encouraging the pooling of resources and the non-duplication of shared data allowing shorter processes and smaller lift for many small communities.
3. **Climate and Resilience Planning:** The bill empowers municipalities to assess and plan for sea level rise, extreme weather and other climate related hazards by incorporating climate vulnerability assessments and aligning local plans with Maine's Climate Action Plan to ensure growth does not come at the expense of long-term sustainability.
4. **Public Engagement and Needs Assessment:** Requiring a needs-based inventory and meaningful public input ensures that comprehensive plans are not only technically sound but also community driven. This bill uses existing available approaches scaled to reaffirm that instead of prescriptive and often unattainable public engagement process in many rural communities across Maine, a community can provide that outreach the way that best suits their residents and available resources, rather than prescriptive additional methods.
5. **Modernization and Clarity:** LD 1751 simplifies and clarifies outdated statutory language improve the usability and consistency of growth management laws across municipalities, while also allowing for place-type based planning where it is desired with better clarity.

In summary, LD 1751 is a well-crafted and forward-looking piece of legislation directly informed by municipal practitioners who must facilitate these processes daily. It maintains local autonomy while encouraging best practices and supporting communities with the tools and flexibility they need to plan for a future that is resilient, broader than just housing extremes and capable of being economically vibrant led by the residents. This initiative would not have been possible without the inspiring work of Rep. Sachs and her two years of efforts to address GMA, but ultimately the language in LD 1751 that maintains municipal designation of planning approaches and doesn't force growth area designations is more appealing state-wide.