



Ought to Pass

LD 1751 "An Act to Improve the Growth Management Program Laws"

DATE OF HEARING: May 8, 2025

Honorable Senator Curry, Honorable Representative Gere, and Distinguished Members of the Housing and Economic Development Committee:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook, and I provide this testimony in my capacity as the Chair of the Maine Association of Planner's Growth Management LPC Subcommittee (MAP). MAP is testifying today IN SUPPORT of LD 1751, and in OPPOSITION to LD 1940 as provided in a separately submitted document.

The MAP LPC has met monthly since July and worked on a bill to achieve efficiency, flexibility, cost effectiveness, and legal defensibility to support Maine's municipalities. Our document was based on LD 1976 from last year but was edited and enhanced with the input of a large committee of professional planners. Though we thank the bill sponsors of LD 1940 for their efforts in getting us all to this point, MAP sees significant negative implications for Maine communities with LD 1940. This is our reason for preparing **LD 1751**. A document is attached comparing the two bills. Please note we have had only 24 hours to review LD 1940; we may offer additional comments at the work session.

Why do we support LD 1751? It removes the detailed inventory guidance from the statute and links inventory to what is necessary to meet State Goals. Inventory information is provided by state and regional sources as well. **LD 1751** would allow municipalities to reference available data sources, reducing the time spent developing the inventory section of comp plans and keeping information up to date as the community moves towards implementation. **LD 1751** proposes a tiered inventory system based on community capacity, reducing the burden on smaller communities.

In contrast, LD 1940 mandates a mapping process in its inventory section that is more specific and requires information not readily available, which will cost municipalities more money to conduct comp plans. Further, **LD 1940 also mandates all communities conduct a climate vulnerability assessment, which would have a significant cost impact.**

The most problematic issue for communities when preparing Comprehensive Plans exist in the Rule, not the statute. The "12+ page checklist" being stated by proponents of LD 1940 exists in Rule, not in statute, and is being confused with the inventory list, which is not the same. Legislative action on either **LD 1751** or LD 1940 would not address the complaints around the checklist, as that would be addressed in rulemaking. Improving the rulemaking process is a goal we all want to realize, to reduce the burden on municipalities.



LD 1751 proposes a logical process where communities collect information, process it publicly, determine their needs and goals, and set forth their implementation strategies to create their Future Land Use Plan.

In hearing about concerns related to the current State review process, **LD 1751** amends the State review process to reduce the completeness review time to get answers back to a municipality quicker, within 10 days of submission. Once complete, there is a concurrent 20-day public comment period and a 35-day review period for consistency. In contrast, LD 1940 removes the completeness review portion of the review process and creates a 40-day review period, which could result at the end of the 40-day period in a determination of incomplete and having to resubmit and restart another 40-day review period. LD 1940 will cost municipalities money & time, as it fails to prioritize the importance of the completeness review process.

Attached is also a list of frequently asked questions related to our process and our answers to the questions of Why **LD 1751** should be supported, Who participated in the process, and Is this bill the only change we should be advocating for?

LD 1751 retains clean, clear, and legally defensible language that affords the flexibility needed by municipalities. It was reviewed by a land use attorney paid for by MAP and received legal review from the Maine Municipal Association. It is a concise document ready for legislative action that can finally start the rulemaking process where the majority of the issues with Comprehensive Planning exist.

Respectfully Submitted,

Jennie Poulin Franceschi, P.E.

Maine Association of Planners' LPC Growth Management Subcommittee, Chair
City of Westbrook, Director of Planning and Code Enforcement

Attachment: Frequently Asked Questions
Comparison Document LD 1751 to LD 1940

Frequently asked questions during this process for amending the GML**Why should Maine communities support LD1751?**

Comprehensive plans are an important vehicle to spur economic development, housing, and resource protection, but it is a very expensive process. This bill would help reduce those costs and more importantly the time it takes to complete them.

At the end of the day, if this process does not help all of us, it does not help any of us. There are pieces of this bill that help communities of all sizes, but there was significant focus on smaller communities and the planners that participated in this bill, work with those communities every day.

Who participated in this process?

This started with a subcommittee of 25 Planners from across the state including Lincoln & Hancock County Planning Commission, The Musson Group representing locations like Mount Desert Island and other coastal communities, Androscoggin Valley Council of Government, Lewiston, Augusta, Auburn, Bath, Saco, Deer Isle, Midcoast Council of Government, Windham, South Portland, Westbrook, Yarmouth, Cape Elizabeth, Portland, Eastern Maine Development Corp. We engaged the State agencies of GOPIF, Maine Office of Community Affairs and Maine Planning Assistance Program, along with MMA's Legal team and GrowSmart Board members. This effort was also supported by Gorham, Waterville, Bangor, Standish, and Camden. MAP's membership of 168 were invited to comment and collaborate in this process.

Is the proposed statute language the only change we should be advocating for?

No, the statute is our first step, we need to have a robust Rulemaking process that must follow this bill to achieve the intended results. As part of our bill editing process, we documented the changes we were proposing to statute in a separate 11pg spreadsheet which can then be utilized to carry forward the work needed in rulemaking for streamlining and process reduction. We need to get to step two to truly achieve the change we want to occur.

The State Bureau responsible for Comprehensive Plan review has been advocating for years for a rulemaking process to move forward but the LD1976 bill process halted their efforts from being able to move forward.

Comparison of LD 1751 and LD 1940

Topic Areas	LD 1751	LD 1940
Definitions - General	Retains clean and clear language that is not legally ambiguous and affords flexibility for municipalities	Adds many new definitions that are written so specific that they create mandates in the mapping section that are more onerous for municipalities to conduct comp planning. \$\$
		Mandates place types with definitions that are overly specific that they do not work across communities. Ie. High Impact Corridors - not all corridors are growth areas if they do not have appropriate utilities or necessary elements.
		Mandates specific map sources in definitions that could evolve over time. Not necessary and could cause future problems. If the source changes over time the statute has to be amended.
		New "Conserved Lands" definition creates a very specific criteria with cost implications in mapping requirements and ties to the Wabanaki Nation land. Unclear on legal implications of this language. Includes wording which has no meaning "(meeting GAP 1-3)"? \$\$
Cluster Definitions	Retains Cluster Development Definition	Removes "subdivision" from the definition. Unclear on legal implication of this removal
Growth related Capital Investment	Includes minor edits to update language for current public facilities.	Adds specific language that could prohibit State and Federal investment in any location that isn't a 'High Impact Corridor' or designated growth area.

Comparison of LD 1751 and LD 1940

Topic Areas	LD 1751	LD 1940
Rural, Transitional and Growth Area definitions	Retains the definitions of Rural, Transitional, Growth as is for greatest flexibility for municipalities in Future Land Use Plan.	In Rural definition -Shifts language from "Critical Rural Area" and places in general definition. Over specificity being inserted into these definitions that could incorrectly mandate the use of "Rural" when an area is not. Transitional Area is removed which reduces flexibility in comp planning. Growth Areas must create "placetypes". Creates new definition of "suburban area" that is so overly specific, it does not work.
State Goals	Updates Goals to include language on housing priorities, natural resources, natural hazards.	Includes MAP edits & Adds language which in most instances are not goals but either policies or implementation strategies. Wording is redundant. Unclear of intent on these changes.
	Updated Goal G to for "fishers"	Retains old language for commercial fishermen
State Goals - New	Promotes policies for housing in close proximity to jobs	Includes MAP edit & Adds another State Goal to the list related to "Coastal Management Policies" that is not a goal but an implementation strategy.
Timing of Implementation for new statute	Affords flexibility on implementation to be 24 months after rule making & adds in an extended consistency window for current municipalities to stay "consistent" to 2028. Addresses funding implications for municipalities.	Implementation is written such that municipalities currently in Comp Planning process must be reviewed by new statute as of Jan 1, 2026. Would cost communities more money to have to redo plans to comply with new statute . \$\$

Comparison of LD 1751 and LD 1940

Topic Areas	LD 1751	LD 1940
Notification requirements	Allows publishing by whatever means a municipalities publishes public notices	Mandates that a municipality needs to notify on a publicly accessible website, where many municipalities do not have websites - Cost Implications \$\$
Inventory & Mapping	LD1751 removes the inventory list and refers the inventory needs to what is necessary to meet to State Goals and that inventory information is provided by the State. LD 1751's allowance for municipalities to reference state or other credible data of plans, rather than regurgitating it back to the State, is a more efficient approach.	Mandates a mapping process that is very specific and requires information not readily available, which will cost municipalities more money to conduct these efforts. \$\$\$ Example: mapping of Heritage Coastal Areas. \$\$
Required additional plans	LD1751 does not require additional costly plans.	Mandates every community to conduct a climate vulnerability assessment or local climate action plan. \$\$\$
Process Set up	LD 1751 walks through a flexible & logical process where communities collect information based on State Goals, process it publicly, determine their needs and goals and set forth their implementation strategies to then create their Future Land Use Plan.	Mandates an extensive mapping exercise to then create your Future Land Use Plan in advance of reviewing any data, conducting a public process to determine what data is needed, then backfilling your goals with that data. The process is prescriptive in its approach of demanding certain needs in Statute that may or may not exist in ones community. \$\$\$ Major Cost Implications

Comparison of LD 1751 and LD 1940

Topic Areas	LD 1751	LD 1940
Consistency with State Goal	LD 1751 remains consistent with State Goals	Allows for State Goals ignored with no criteria, and unclear on how that conflict can be addressed in the review process. Legal concern.
Implementation Strategies	Allows flexibility of format of Future land use plan to be in map or written format.	Mandates Future land use map to be designated, mapped and described. \$\$ Cost implication for municipalities
Regional Coordination Program	Included in LD 1751	Missing
Implementation Program	Included in LD 1751	Missing
Review Process - Completeness	LD 1751 amends the current review process to reduce the completeness review timeframe to get answers back to a municipalities quicker, within 10 days of submission. Once complete, there is a concurrent 20 day public comment period and a 35 day review period for consistency.	Bill removes completeness review process. Entire process is placed in a 40 day review period, which could result at the end of the 40 day period in a determination of incomplete and having to resubmit, and restart another 40 day review period. This can cost municipalities money & time. \$
Legal Findings at end of process	Retains current legal findings to defend against legal challenge.	Removes legal findings sections, thus opens process up for legal challenge.
Rulemaking Process	Rule Makings related to changes is considered major substantive.	Rule making is considered major substantive, but bill mandates a Stakeholder group process in advance of a rule making process which will delay the Rulemaking and appears to be an unnecessary state burden. Fiscal Note would appear to be required for this effort. \$\$

Comparison of LD 1751 and LD 1940

Topic Areas	LD 1751	LD 1940
Public Participation Guidance	Current statute provides a flexible outline for municipalities to determine the best approach for public participation.	Adds wordy language to public participation section that would require a community create a "process for active public participation". This bill further requires MOCA to develop new guidance on public participation based upon the prescriptive criteria stated in the unallocated language section. \$