MARY ANN HAYES
74 TOM SURRY ROAD · FAYETTE, ME 04349 · 207.735.6260 · mahayes0322@gmail.com

TESTIMONY ON LD'S 1751 (FOR) AND 1940 (AGAINST SIGNIFICANT PORTIONS AS WRITTEN)

BEFORE THE JOINT STANDING COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT MAY 8, 2025

Senator Curry, Representative Gere and Honorable Committee Members:

My name is Mary Ann Hayes and I appear representing myself as a retired citizen planner with over 35 years of experience doing planning work of various kinds with Maine communities, particularly the small, rural ones. I've worked as a regional planner, state planner, municipal planning consultant and resident volunteer. I've worked on dozens of plans and ordinances, authored five comprehensive plans and done consistency reviews.

The largest community I worked with was Rep. Collamore's hometown – Pittsfield. The smallest was Jackson in Senator Curry's district – 500 residents. I pride myself on listening to residents and building very individualized plans. My standard is that a good planning process should produce at least 2 innovative ideas on how to tackle the challenges at hand. That shows people are working and thinking hard, not going the cookie-cutter route.

I am a member of both the Maine Association of Planners (since 1988) and GrowSmart Maine (supported its founding in 2004). I also actively follow Build Maine, whose work I generally admire and support. I see these organizations as largely aligned, so I am pained to have to take a side in what has become a strange debate at the statutory level of a program supported by each organization. Despite my discomfort, I feel a personal obligation to weigh in on what I see as a serious – albeit hopefully unintentional -- threat to the integrity of the program posed by LD 1940.

It's a bit baffling. I do not recognize the pitch I received from Build Maine on Tuesday to support LD 1940 when I read the bill. It purports to reduce burdensome inventory but actually adds new specific requirements at the statutory level, including natural resource data layers that change very little between plans. Requiring the mapping of place types is likely to be enormously time-consuming and it is not clear toward what end. It will come across as another state-mandated chore. Adding the requirement for a climate vulnerability assessment or action plan, while perhaps a good idea, is not a minor item. The devil will be in the details of how thorough a job is expected.

On the contrary, LD 1751 removes both inventory detail and policy/implementation guidelines from the statute, as these belong in program rules that can be updated as needed. If any bill is lightening the inventory load, it is LD 1751 rather than LD 1940.

I have to believe the sponsors are trying to improve the program, but LD 1940 as written, particularly Section 13, will have the opposite effect by undermining the logical legal construct of the program. We all want to reduce inventory time and expense in the planning process and the program rules certainly need updating. The statute is simply not the right place to address data checklists, specific mapping requirements and place type nuances.

For example, when there was wide agreement that a visioning process would enhance the quality of plans, it was tested as a voluntary add-on, found to be valuable and added to the rule at a very basic level. There was no need to open the statute. Communities have embraced this innovation. It makes sense to them. The place typing context strongly emphasized in LD 1940 has similar potential to help people better understand settlement patterns but needs to avoid becoming prescriptive.

There are certainly worthy amendments proposed in LD 1940, including some beneficial definitions. They may or may not belong in statute. The Rule has many more. ***Please review the entire list of concerns identified by MAP but the most serious problems are with the proposed rewrite under Section 13. As proposed, it will make a serious mess.***

As planners, we've been working with this law and know it thoroughly. That's not to say we're protectionists, clinging to the past or defending the current Program Rule. We simply believe the attack on the statute itself is mis-placed. And as much as the rules need improvement, they neither control the quality of the planning process nor guarantee outcomes.

The real work happens on the ground with planning committees in each community. The lion's share of valuable information comes from them and other community members. Trained planners bring out the best in the volunteers. We believe that local communities should have the freedom to define their own destinies under the state goal framework. Technical assistance to educate planning committee members about place typing would be a welcome addition and should be utilized voluntarily where it makes sense – but not mandated everywhere.

In summation, LD 1940 contains a number of well-intentioned ideas that do not belong in statute. It also confuses the planning process, mixes documentation of current conditions with planning goals, inserts inappropriate and burdensome mapping requirements, and removes essential program components. We need to prevent those amendments from becoming enacted. Meanwhile, we all agree that the Program Rules need work – can we please get on with it?

Frankly, it is intimidating to look at the power-packed co-sponsor list for LD 1940, including the committee co-chairs and leadership. It is easy to feel powerless in this situation, while ironically reading emphasized requirement language in LD 1940 requiring the incorporation of public input at the local level. I respectfully ask that you read the actual amendment language and understand the legal consequences before voting. Once informed, I have to believe that you will do the right thing.

Many thanks for your consideration of these points. LD 1751 would make positive changes if enacted but the real work needs to happen in substantive rulemaking and strengthening of technical assistance. My greatest fear is that LD 1940 will be enacted, striking a critical blow to the legal integrity of the program. A related concern is that dragging out this statutory argument into the next session will just delay the rulemaking work that needs to happen. The pre-loaded statutory requirements for the rulemaking process in LD 1940 is troubling as it subverts an open process but if that's what it takes to get the overdue process started, so be it. Please at least remove Section 13 from the bill. Maintain the program's legal and logical integrity.

Sincerely yours,

MA Hayes

Mary Ann Hayes