



Town of Harpswell

Planning Office

P.O. Box 39

Harpswell, ME 04079

To: Joint Standing Committee on Housing and Economic Development

From: Margaret McIntire, Town Planner

Date: May 12, 2025

Re: Support of LD 1864, An Act to Facilitate the Reconstruction of Storm-damaged Commercial Fisheries Facilities and Infrastructure

Dear Members of the Housing and Economic Development Committee,

My name is Margaret McIntire, and I am the Interim Town Planner for the Town of Harpswell. The Harpswell Planning Office supports the bill titled LD 1864, An Act to Facilitate the Reconstruction of Storm-damaged Commercial Fisheries Facilities and Infrastructure. This bill will provide vital relief from State variance language for a small group of commercial fishing business owners & operators within Harpswell and aid the local fishing community as it seeks to recover from the January 2024 storms.

Floodplain Management Ordinance

For residents of the Town to have the ability to participate in the National Flood Insurance Program, allowing the purchase of federally backed flood insurance, Harpswell was required to adopt, and enforce, the Floodplain Management Ordinance (FMO). The FMO is a standardized ordinance and the Town does not have the ability to amend it without the consent of the federal government. The FMO lacks any grandfathering language that would allow for storm-damaged or destroyed structures to be rebuilt and severely restricts what kind of new structures can be built in the intertidal zone. The result is that the FMO effectively prevents many fishermen who lost their water-dependent structures during the January 2024 storms from rebuilding.

The structures described above, commonly referred to as a “fish houses,” are essential to the operation of commercial fishing businesses across the town. A fish house could provide storage, a bait cooler, an office, utilities, a lobster pound, etc. – all of which are vital resources for commercial fisherman struggling in an uncertain environment. These uses are considered functionally water dependent and importantly cannot be used for residential purposes, only to support commercial fishing operations. Importantly, the wharf and the fish house are often the only commercial infrastructure that the fishermen own.

The wharves are important economic hubs within the town, buying wild harvested species which supports hundreds of families within the Town, providing employment, as well as commercial fishing adjacent industries such as engine repair and marine construction. Most of these historic properties lack the land to move their operations away from the water, making relocation an impossibility.

Meeting with FEMA

The Town has been actively working with the NFIP and FEMA for over a year to try to find a solution to this problem. On November 26, 2024, Harpswell hosted a meeting with FEMA representatives, Maine Coordinator of the National Flood Insurance Program Sue Baker, representatives from Senator Collins, Senator King and Representative Pingree's offices, commercial fisherman, and Harpswell staff and elected officials. The FEMA representatives were clear that although the FMO restricts the reconstruction of these fish houses, the Ordinance does allow for a variance to be issued which could facilitate the reconstruction. The variance requirements in the FMO include both federal and state variance language. As Kristi Eiane states in her testimony, it is this state variance language that is preventing the Town from being able to authorize the reconstruction of these fish houses. Put simply, there is no way for a commercial wharf or fish house to meet the Maine variance standard regarding a reasonable return, making it essentially impossible for Harpswell's commercial fisherman to receive authorization to rebuild their fish houses.

Future Solutions

The Town is looking for long-term solutions to this problem. Currently there are no provisions in the FMO for grandfathered structures. Authorizing the replacement of existing structures or the removal of restrictions on new development would be ideal, but would take years at a minimum and would require a change in federal law. The passage of this bill would provide a path forward for a very narrow group of people, allowing commercial fisherman the ability to rebuild their fish houses, an operational necessity, after being damaged in the 2024 storms.

I urge you to vote "ought to pass" on this bill, thank you for your time.

Sincerely,

Margaret McIntire
Town Planner
Town of Harpswell