



Town of Harpswell

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Testimony of Kristi Eiane
Town Administrator, Town of Harpswell

in support of

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

Before the Joint Standing Committee on Housing and Economic Development

May 12, 2025

Good afternoon, Senator Curry, Representative Gere, and members of the Housing and Economic Development Committee. I am Kristi Eiane, the Town Administrator of the Town of Harpswell. I am here today to speak on behalf of the Town in support of LD 1864.

This bill is being presented to you at the Town's request to fix an unanticipated hurdle that is preventing the repair of essential working waterfront infrastructure damaged during the severe storms and flooding that occurred in January 2024 in Harpswell. The storms caused tremendous damage to our fishermen's docks, fish houses and other structures that are traditionally used for commercial fishing.

In the aftermath of the storms, the Town of Harpswell's staff, particularly its Code Enforcement Office, was inundated with requests for help to repair the damage caused by those storms — particularly to our fishing community. It became clear to Town staff that some of the impacted commercial fishermen, particularly lobstermen, would have great difficulty getting the required permits to rebuild their water-dependent structures because of existing federal and state statutes and regulations.

While we will be working to try and effect change at the federal level with the Federal Emergency Management Agency as part of a long-term policy solution, we are currently focused on a short-term approach to help our Harpswell commercial fishing businesses re-build from damage caused by the January 2024 storms. We all know it can take years to change federal policy, and we do not want our Harpswell businesses to have to wait for that to play out with no guarantee that a satisfactory resolution will be found.

The bill in front of you today, LD 1864, removes a state law hurdle that is preventing the Town from granting variances to reconstruct these storm-damaged structures. It would exempt working waterfront businesses from having to prove that their property cannot yield a "reasonable return" unless a variance is granted. Because our courts have said that having access to coastal waters provides a recreational benefit that offers a reasonable return, the hands of our Board of Appeals are tied—under existing law the Board cannot grant these essential variances to allow rebuilding.

Note that LD 1864 is very narrowly tailored to address the unusual circumstances the Town is dealing with: this law would only apply to structures located in Harpswell that are water-dependent and that were damaged during the January 2024 storms. Affected individuals and businesses would still need to get a variance from the Board of Appeals, and they would need to meet all other variance criteria. They would also need to meet all other permitting requirements. And they would need to submit a complete application by December 31, 2027. This bill would not create a slippery slope or a loophole for anyone to exploit – LD 1864 would simply exempt a limited number of Harpswell working waterfront business owners from proving a variance standard that is impossible to prove under these circumstances and allow them to rebuild structures that have been a part of the Town for decades.

Fishing is the backbone of our economy and hardworking families in Harpswell and all along the Maine coast depend on the fisheries to support their families and to serve as economic drivers in our communities. We want to help our working waterfront thrive and survive and need LD 1864 to make that happen.

Thank you for your consideration, and I encourage you to vote “Ought to Pass” for LD 1864.