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THE MAINE SENATE  
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*Testimony of Stacy Brenner in support of*  
**LD 1999, An Act to Exclude Agricultural Leases from the Definition of  
“Subdivision”**

*Before the Joint Standing Committee on Housing and Economic Development*

January 8, 2026

Good morning, Senator Curry, Representative Gere, and members of the Committee on Housing and Economic Development. My name is Stacy Brenner. I am here today in support of LD 1999, An Act to Exclude Agricultural Leases from the Definition of “Subdivision.” This bill is a targeted, common-sense clarification that will remove unnecessary regulatory barriers to farmland access while preserving the core intent of Maine’s Subdivision Law.

**Background and Purpose**

Maine’s Subdivision Law was designed to regulate the division of land for residential and commercial development—ensuring appropriate review of impacts on infrastructure, natural resources, and communities. That purpose is sound and important. However, under the current statutory language, agricultural leases can be inadvertently captured as “subdivisions.” This occurs when a landowner leases portions of farmland to more than one farmer, even though:

- no new lots are created,
- no ownership is transferred,
- and no residential or commercial development is proposed.

In these cases, leasing land for farming—a practice essential to Maine agriculture—is being treated as if it were land development. That result does not advance the intent of subdivision law and can create situations where farmers are unable to obtain secure access to rich soil and agricultural opportunities.

**Why This Matters**

Agricultural leasing is one of the primary pathways into farming in Maine for first generation farmers and farmers looking to expand operations. New and beginning farmers, in particular, rely on leases rather than ownership to get started. When leases are subject to subdivision review:

- farmers face delays and legal uncertainty,

- landowners are discouraged from leasing land,
- and municipalities are burdened with reviews that do not serve a public purpose.

This confusion is not theoretical. A handful of municipalities across the state are actively struggling with how to interpret current law and have sought legal guidance from the Maine Municipal Association. The Town of Bowdoinham is one clear example, but it is not alone. Without statutory clarity, towns are reaching inconsistent conclusions, creating uncertainty for everyone involved.

### **What the Bill Does**

LD 1999 provides a narrow and appropriate fix. It clarifies that leases executed primarily for farming purposes are not subdivisions, provided that:

- the lease does not convey fee simple ownership, and
- it does not authorize non-agricultural development.

Importantly, the bill has been amended to remove language related to farmworker housing, after the Land Use Planning Commission identified that provision as a potential loophole. The amended bill now focuses squarely on agricultural production and land use—not residential development—and aligns cleanly with the intent of subdivision law. This amendment strengthens the bill and ensures it cannot be used to circumvent land use regulation.

### **Why This Is Time-Sensitive**

Farm leases are typically negotiated and renewed during the winter, as farmers plan for the upcoming growing season. Without clear statutory guidance, municipalities may continue to delay or require subdivision review for leases, imposing costs and uncertainty that can prevent farmers from securing land in time for spring planting.

If land cannot be leased efficiently, it may sit idle—not because it is unsuitable for farming, but because the regulatory path is unclear.

### **Conclusion**

LD 1999 does not weaken subdivision law. It restores its focus. This bill:

- removes ambiguity,
- reduces unnecessary administrative burden,
- supports farmland access,
- and helps ensure Maine's farmland remains actively farmed.

For these reasons, I respectfully urge the Committee to support LD 1999 as amended. Thank you for your time and consideration.