



**Testimony of Shelley Megquier, Policy & Research Director, Maine Farmland Trust, to the 132nd
Legislature's Joint Standing Committee on Housing and Economic Development
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Good morning Senator Curry, Representative Gere, and members of the Joint Standing Committee on Housing and Economic Development. My name is Shelley Megquier and I am the Policy & Research Director at Maine Farmland Trust (MFT). I am providing testimony on behalf of MFT in support of LD 1999 – *An Act to Exclude Agricultural Leases from the Definition of "Subdivision" Under the Planning and Land Use Regulation Laws*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Our goals are to keep agricultural lands working and help farmers and their communities thrive. Since our founding in 1999, MFT has helped to permanently protect farmland in every county in Maine, amounting to over 58,000 acres across 395 farms. Our Farm Network includes more than 550 farms that have participated in MFT's programming either through an agricultural easement or through one of our other areas of work. Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, and Policy and Research.

For many farmers in Maine, including both established and beginning producers, leasing is an important and affordable land access strategy. According to the 2022 Census of Agriculture, 20 percent of Maine farms lease some or all of the land they use for farming. Statewide, there are 191,003 acres leased for agricultural use according to the Census of Agriculture. At the same time, the availability of affordable land is often a barrier to new farmers and to existing farmers who wish to expand. As the cost and competing pressures on land continue to rise, increasing opportunities for leasing is important for keeping Maine's valuable farmland in production as well as for enabling farmers with access to quality farmland to produce food for Maine communities. MFT supports LD 1999 because it makes necessary statutory changes to help clarify for municipal authorities and farmland owners that leasing land for agricultural use does not result in a division of land for the purposes of Subdivision Law.

Access to farmland, whether to buy or lease, is increasingly difficult for Maine farmers across the state due to dramatic increases in land prices, a growing interest in farmland from non-farming buyers, the rapid pace of solar development on agricultural land, and PFAS contamination of farmland. Farmland access can be an even greater challenge for historically underserved farmers, including Black, Indigenous, and other people of color who have been systemically excluded from opportunities to access land and capital through land displacement and discriminatory policies and practices. A 2022 report by the Permanent Commission on Racial, Indigenous and Tribal Populations documents the extensive barriers and disparities that prevent Indigenous and African American farmers in Maine from being able to access land and funding opportunities, some of which include a lack of outreach about available resources, mistrust, lack of representation in decision making, and non-culturally relevant and restrictive eligibility requirements and definitions of farming and agriculture. The National Young Farmers Coalition also found in a 2022 national survey that finding affordable land to buy is the top challenge that young farmers face and is even more difficult for farmers who identify as Black, Indigenous, or other people of color. This national survey data is reflected in Maine-specific data from the 2022 Census of Agriculture, which shows that only 38 percent of Black or African American producers own all of the land they use for farming, compared with 80 percent of white producers. In light of this data, in addition to working to increase access to farmland *ownership* for

historically underserved farmers, it is important that the state continue to ensure that farmland leasing is an available option.

Farmland leasing is one of the more affordable and accessible strategies for any farmer looking for land access and is especially important for historically underserved farmers who are less likely to have generational land tenure and who often face barriers to land and capital access.

LD 1999 amends Maine's subdivision law (Title 30-A, §4401 et seq.) to explicitly exempt agricultural leases from the definition of subdivision. The intent of this section of Maine law is to ensure that residential and commercial development is reviewed for its impact on infrastructure, natural resources, and communities. However, the current definition of "subdivision" can inadvertently capture agricultural leases—for example, when a landowner leases portions of farmland to multiple farmers. In these cases, no new lots are being created, no ownership is changing hands, and no residential or commercial development is occurring. Yet, under a strict reading of the statute, leases may be treated as "divisions," creating unnecessary regulatory burden and enough of a disincentive so that some farmland owners may choose not to lease their land to farmers eager to access that land. The change proposed through LD 1999 clarifies that leases executed for agricultural purposes are not subdivisions. MFT supports LD 1999 as a good faith effort to clear up any confusion that municipalities may have about the intent of the law and ensure that there is a continued path forward for farmland leasing arrangements as an important farmland access strategy across the state.