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THE MAINE SENATE
132nd Legislature

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**Testimony of Senate President Mattie Daughtry Introducing
LD 2143, "An Act Facilitating the Reconstruction or Replacement of Storm-damaged
Commercial Fisheries Facilities and Infrastructure"
Before the Joint Standing Committee on Housing and Economic Development
January 22, 2026**

Senator Curry, Representative Gere, and distinguished members of the committee, thank you for the opportunity to introduce LD 2143 today on behalf of the Maine Office of Community Affairs. This bill responds to a very real problem that emerged from our communities' recovery efforts following the severe storms that impacted Maine's coast in January 2024, storms that left docks, wharves, piers, and other commercial fisheries infrastructure badly damaged and struggling to rebuild.

I know these places well. From Harpswell to Stonington and across Maine's working waterfronts, our fishing families, crews, and businesses are the lifeblood of coastal communities. These facilities are more than pieces of infrastructure, they are the hubs of Maine's fishing economy, supporting everything from harvest and processing to local employment and family livelihoods. When the storms hit with record-high tides, those working waterfronts suffered tremendous losses that went beyond physical damage to docks and fish houses; they struck at the heart of the culture and economy that sustain our coastal towns.

Last session, the Legislature acted with a bill I introduced, LD 1864, to address the immediate barriers faced by commercial fishery infrastructure owners trying to rebuild after the storms. That law hoped to provide needed relief from certain variance requirements under municipal shoreland and floodplain ordinances, intended to help structures that were built long before current codes were in place. However, subsequent review by the Floodplain Management Coordinator at the recently created Maine Office of Community Affairs, in consultation with FEMA, revealed that the way LD 1864 was drafted created definitional inconsistencies between the state shoreland zoning law and the federal FEMA National Flood Insurance Program (NFIP) requirements, inconsistencies that risk jeopardizing a community's eligibility for federally backed flood insurance and flood mitigation assistance if not corrected.

LD 2143 is a targeted, technical correction that preserves the goal of helping commercial fisheries communities rebuild, while also safeguarding Maine's standing with FEMA and keeping municipalities fully compliant with NFIP standards. This is important because NFIP compliance isn't just a federal technicality, it matters to property owners, homebuyers, lenders, municipalities, and the state as a whole. Noncompliance can result in probation or suspension from the NFIP, loss of access to federally backed flood insurance, increased insurance costs, and reduction in eligibility for post-disaster recovery assistance, outcomes that would undermine Maine's broader disaster resilience and economic stability.

This bill accomplishes three core objectives:

- It focuses relief where it belongs, within municipal floodplain management ordinances, where FEMA rules apply in the first place, rather than in the broader shoreland zoning context.
- It aligns state definitions with the federal NFIP's definition of "functionally dependent use," ensuring that variances for storm-damaged commercial fisheries structures do not exceed what FEMA allows.
- It extends applicability beyond the January 2024 storm events and removes the requirement for a federal disaster declaration to be eligible for relief from the "reasonable return" variance standard so that working waterfronts impacted by future storms can rebuild.

Importantly, the protections and standards that helped guide the original Legislature's intent, requiring that reconstruction be in kind, elevated or protected, and that any variance be the minimum necessary to afford relief, are retained while removing the "reasonable return" criterion of the municipal variance "undue hardship" barrier. This bill will allow property owners to repair structures seaward of mean high tide that are substantially damaged by future coastal storms.

This is not a broad rewrite of policy, but a surgical, practical fix that supports Maine's commercial fishing infrastructure at a critical time. It protects our coastal economies, preserves working waterfronts, and maintains the integrity of Maine's compliance with federal floodplain insurance requirements, which protects all Maine communities.

For these reasons, I urge the Committee to support LD 2143 and report it out favorably so that Maine's fishing communities can continue rebuilding with confidence and clarity.

Thank you. I welcome your questions, but I know that there are folks behind me who would be delighted to answer your more technical questions.