



Teresa Schmitt Pierce
Senator, District 25
Senate Majority Leader

THE MAINE SENATE
132nd Legislature

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Testimony of Senator Teresa S. Pierce in support of
**LD 2173, An Act to Update the Laws Regarding Housing Developments and
Accessory Dwelling Units**

Before the Joint Standing Committee on Housing and Economic Development

February 10, 2026

Good afternoon, Chair Curry, Chair Gere and esteemed members of the Housing and Economic Development. My name is Teresa Pierce and I represent Senate District 25, which includes Falmouth, Cumberland, North Yarmouth, most of Yarmouth, Gray and Long Island. I am also honored to serve as the Senate Majority Leader. Thank you for the opportunity to testify in support of **LD 2096** with a few suggestions.

As the former Senate chair of the Joint Select Committee on Housing in the 131st Legislature, alongside my co-chair, Representative Gere, I'm aware of our state's housing needs and the challenges of meeting those needs, and the importance of ensuring every community, from rural to urban, plays a role in meeting those needs.

In the First Session of the 132nd Maine Legislature, we passed LD 1829, legislation aimed at increasing density, reducing restrictions and streamlining the process of building housing units from start to finish. There are excellent aspects of this law that will help Maine hit its housing production goal of 80,000 units by 2030. I appreciate the time and energy that went into that bill becoming law.

Last year, we passed LD 1829, sponsored by Speaker Fecteau, and are now here to address concerns and potential unintended consequences through LD 2173 sponsored by Representative Collamore. This process is very similar to when LD 2003 was enacted in the 130th Legislature, LD 1706, sponsored by Representative Malon, was brought to the Housing Committee. Through a transparent hearing process with input from the public and stakeholders, we identified opportunities for modifications. provided necessary clarity and adjusted the implementation of LD 2003 to allow municipalities to respond appropriately.

Now, we are at this same moment with LD 1829. I applaud the aggressive nature that LD 1829 takes to produce more housing all across Maine. But I believe it did not take into account the excellent work being done by many communities to achieve the same goal and the time it takes to implement legislation that interacts with similar ordinances at the municipal level.



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Comprehensive Plans: A number of the communities across Maine have engaged in lengthy and robust long-term growth and comprehensive plans. Those plans involve hundreds of hours of community input, town funds and work done by the local councils. Once this work has been completed, the state reviews and puts its stamp of approval on the plan if it meets the guidelines the state has articulated. I urge caution to this committee to avoid overlaying new policy that doesn't take this local work and decisions, through municipal comprehensive plans, into account. Many of these plans are agreed upon for up to a 15-year period. I'd recommend including room for those local decisions in this bill.

Implementation dates: This committee has done excellent work on a number of other bills that move the State forward with regard to housing, but I hope that the committee will consider coordinating the implementation dates so towns aren't addressing one issue with one date and another with a different date. Our local municipalities are not entities with large staffs and many have differing town meeting times that affect their ability to change and pass new ordinances.

Finally, I believe there are great aspects of LD 1829 that will help us get to where we need to go. There are also good and necessary changes in LD 2173.

Thank you for the opportunity to share the suggestions above and the perspective of my communities. I respect the work you've already done and will continue to put into these issues. I would be happy to answer any questions you might have.

Sec. 4. 30-A MRSA §4364, sub-§2,

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality ~~consistent with section 4349-A, subsection 1, paragraph A or B~~ as identified in a comprehensive plan adopted pursuant to this subchapter or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.

Sec. 7. 30-A MRSA §4364-A, sub-§1:

1. Use allowed. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, a municipality shall allow at a minimum:

A. Three dwelling units, attached or detached, including accessory dwelling units, per lot; and

B. Four dwelling units, attached or detached, including accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to this subchapter, or, in a municipality without a comprehensive plan found to be consistent with the Growth Management Act by the former State Planning Office, if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

A municipality may allow more units than the minimum number required by this subsection.

Sec. 9. 30-A MRSA §4364-A, sub-§2-A:

2-A. Lot size and density allowance for private property. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.

B. If a lot is located outside a designated growth area in a municipality without a comprehensive plan found to be consistent with the Growth Management Act by the former State Planning Office, and if the lot is in an area served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including accessory dwelling units.

Sec. 10. 30-A MRSA §4364-A, sub-§3,

3. General requirements. Except as provided in this section, a municipal ordinance may not establish dimensional requirements for multiple units allowed by this section that are greater than dimensional requirements required for single-family dwelling units if the dwelling units are in a designated growth area, as identified in a comprehensive plan adopted pursuant to this subchapter, or, in a municipality without a comprehensive plan found to be consistent with the Growth Management Act by the former State Planning Office, if the dwelling units are served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. As used in this subsection, "dimensional requirements" means requirements that govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks.