



March 3, 2021

Maine Real Estate & Development Association

LD 390, An Act Regarding the Mapping of Shoreland Zones

Testimony in Opposition

Senator Brenner, Representative Tucker, and Honorable members of the Environment and Natural Resources Committee;

My name is Elizabeth Frazier and I am an attorney at Pierce Atwood. On behalf of my client, the Maine Real Estate and Development Association (MEREDA), I appreciate this opportunity to share our comments in opposition to the current proposal in LD 390, An Act Regarding the Mapping of Shoreland Zones

MEREDA is a statewide, membership-based organization founded in 1985, whose members include real estate owners, for-profit and non-profit developers, bankers, property managers and other related professionals who are committed to supporting responsible development and real estate ownership throughout Maine. Through the work of its Public Policy Committee, MEREDA pursues a more fair, predictable and practical policy environment.

Our opposition to the proposed legislation stems in large part from our uncertainty regarding the intent, some of which we assume will be made clear in the public hearing – we will provide additional comments to the Committee prior to the work session. In the meantime, we wish to raise a few concerns and queries for your consideration.

- We are concerned that the changes will not clarify or simplify the law but rather create additional confusion. For example, the legislation proposes to change the definition of freshwater wetlands in a way that will further distance the definition from the definition of wetlands under Maine's Natural Resources Protection Act (NRPA). From MEREDA's perspective, a consistent, statewide definition of wetlands provides greater predictability to the regulated community and helps ensure greater compliance with the law.
- LD 390 proposes to modify the definition of freshwater wetland to include those wetlands that are identified on the National Wetland Inventory (NWI). Unfortunately, in our experience, the NWI is an inadequate resource for identifying and mapping Maine's wetlands. The proposed legislation would rely on data from sources that are outside of the standard accepted

environmental references for identifying a wetland. We are concerned that the outcome of this change would be less accuracy and predictability in terms of identifying and mapping wetlands.

- The proposal would require municipalities to employ a geographic information system (GIS). Unfortunately, many towns currently do not have GIS capabilities. MEREDA has consistently supported efforts to provide funding for municipal and state GIS capabilities, but those efforts have remained largely unsuccessful.

These are a few of the initial concerns and questions we have regarding the proposed legislation. As noted, we anticipate learning more about the intent and import of the proposal in the coming days and weeks.

We would be happy to provide additional comments and feedback at the work session or to participate in any stakeholder process ahead of the work session. Please reach out to Elizabeth Frazier at efrazier@pierceatwood.com.

Sincerely,

Elizabeth M. Frazier
On behalf of the Maine Real Estate & Development Association