

Testimony of the Maine Municipal Association
In Opposition To
LD 997, An Act to Allow Residential Use Development in Commercial Districts

March 25, 2025

Sen. Curry, Rep. Gere and distinguished members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 997, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent communities with vastly different enforcement staff, resources and capacities.

As drafted, this bill overrides carefully crafted municipal zoning with a broad brush and little understanding of how commercial zoning operates, and for tasks that can easily be achieved locally without undermining zoning needs for communities across the state. It is not clear what the policy objective of this initiative seeks to achieve that can be balanced against the unintended harm for other communities. There is no widespread issue where communities are preventing housing in commercial areas or are not considering a change to mixed use where it makes sense and maintains the economic engines of commercial districts.

Rather than "allow" as the title belies, the bill prohibits a municipality from adequately using commercial districts to protect residential use that either exposes an adjacent resident to incompatible commercial use, while also allowing commercial owners the freedom to conduct their business without the necessary application of noise, smell, and traffic restrictions expected in residential areas. Commercial districts also allow the economic viability necessary to generate revenue on property that may be too contaminated by historic uses and otherwise not appropriate for residential uses.

The use of commercial only districts prevents an unwitting developer from purchasing lower cost land and placing affordable housing on contaminated land. This type of zoning will form a necessary measure for addressing PFAS contamination in previously rural farming areas. These are decisions that are crafted and informed by the residents of a community who must endure the cost of those choices and should not be overridden with a blunt tool as drafted in LD 997.

Communities are already able to make these decisions on their own, through the use of rezoning for mixed use, and without state intervention. If there are specific projects that have been declined under the basis this bill implies, then the conversations should include the

community leaders from those communities. It is more appropriate public policy to enable the tools to achieve the outcomes desired through greater investment in technical support not to restrict the commonly used tools applied in different ways in different communities. One size fits all fails all.

For all of these reasons, officials ask you to respectfully oppose LD 997 and leave zoning applications to the lot level review they need and deserve. There are better ways to achieve mixed use policy and it begins with supporting the Maine Office of Community Affairs and Regional Planning Organizations to help communities revisit decisions informed by state partners.