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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON HOUSING AND
ECONOMIC DEVELOPMENT
IN SUPPORT OF LD 1999

An Act to Exclude Agricultural Leases from the Definition of "Subdivision" Under the Planning and Land Use Regulation Laws

January 8, 2026

Senator Curry, Representative Gere, and members of the Joint Standing Committee on Housing and Economic Development, my name is Mariam Taleb, and I am the Farm Viability and Farmland Protection Specialist within the Bureau of Agriculture, Food and Rural Resources. I am speaking on behalf of the Department of Agriculture, Conservation and Forestry in support of LD 1999, *An Act to Exclude Agricultural Leases from the Definition of "Subdivision" Under the Planning and Land Use Regulation Laws*. LD 1999 seeks to amend Title 30-A, §4401(4) to explicitly exempt agricultural leases from the definition of subdivision.

Leased farmland serves a vital role across Maine's agricultural sector, for beginning farmers who can start and grow their farm businesses before they are able to purchase property of their own, and established farmers, especially those producing dairy and potatoes, who are able to scale their businesses to remain competitive under increasingly difficult economic conditions. According to the 2022 USDA Agricultural Census, nearly 20% of Maine's farms were leasing at least some farmland-- a total of 191,000 acres.

Maine's Subdivision Law (Title 30-A, §4401 et seq.) governs the definition of a subdivision, the municipal review and regulation of subdivisions, and the review criteria that a municipal reviewing authority must consider before granting its approval of a subdivision. Section 4 of Title 30-A, §4401 explicitly states that the many meanings and exceptions to the definition of a subdivision apply "whether the division is accomplished by sale, **lease**, development, buildings, or otherwise" [emphasis added]. The Department agrees with the sponsor's premise that the definition of "subdivision" can encompass agricultural leases, potentially leading to municipal confusion, uneven interpretation among municipal reviewing authorities, and an unnecessary regulatory burden when the use is for agriculture, a use the Department explicitly supports. The Land Use Planning Commission (LUPC or the Commission), a program within DACF, has planning, permitting, zoning, and enforcement authority in Maine's unorganized territories. The LUPC rules already include specific exemptions to the definition of subdivision related to

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agricultural management, which are consistent with the intent of LD 1999. Passage of the bill would require a minor update to the Commission's rules.

The Department further appreciates and supports the sponsor's amendment that removes the allowance for permanent residential dwellings, as it would be virtually impossible to enforce an allowance for seasonal or migrant housing over time once such structures were built and the agricultural lease expired.

Thank you for your time. I would be happy to answer any questions now or at the work session.