

## Testimony of the Maine Municipal Association

**In Support of****[LD 2143](#) - *An Act Facilitating the Reconstruction or Replacement of Storm-damaged Commercial Fisheries Facilities and Infrastructure***

January 22, 2026

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Senator Curry, Representative Gere, and distinguished members of the Housing and Economic Development Committee, my name is Tanya Emery, and I am providing testimony in support of LD 2143 at the direction of the Maine Municipal Association's (MMA) Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent member communities. MMA is a nonpartisan, nonprofit member service organization that aims to help provide policy solutions that work for all residents of Maine.

MMA is proud to represent many working waterfront communities across our state. While municipalities generally are not enthusiastic about the state making broad decisions about variances, this is a prudent and necessary use of that power. One need look no further back than 2023 and 2024 to see examples of the utility of such a provision as the one offered in this bill.

LPC members did request clarity on the bill's intent in light of the reference to "functionally dependent use" as defined in [44 Code of Federal Regulations, Section 59.1](#): "Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water." The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. Given the breadth of Maine's working waterfront, would this definition provide coverage for all the types of facilities affected by recent storms, or does it exclude specific uses, and if so, is that the intent?

Thank you for your time and attention to this important matter of community and economic resilience. I am happy to answer any questions you might have.

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