



Maine Municipal
Association

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Testimony of the Maine Municipal Association

In Opposition to

LD 1365- *An Act To Prohibit Municipalities from Prohibiting Short-term Rentals*

April 23, 2021

Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Rebecca Graham, and I am providing testimony in opposition to LD 1365 on behalf of MMA at the direction of our 70-member Legislative Policy Committee.

The legal concept of home rule, enshrined in Maine's Constitution, has generally been respected at the state level. The lodging industry has been directly subject to municipal regulation for years. The emerging "sharing" economy may in many ways make sense for consumers and property owners, but it need not come at the expense of home rule.

MMA's Policy Committee voted to oppose LD 1365 on the basis that the proposed prohibition of a prohibition flies in the face of longstanding municipal land use regulatory authority, granting a special exception from that authority to one, relatively new and evolving use. This land use has raised serious questions over communities' ability to manage their growth, particularly with respect to ensuring their residential neighborhoods remain residential.

The state laws authorizing municipal legislative bodies to both comprehensively plan for the rationally organized development of their communities and implement those plans with zoning regulation and other land use regulatory systems, have been developed over the last century. If this section of law is enacted, it will create a specialized right to this carved out land use that does not exist for comparable activities subject to land use regulation.

Even more concerning is the language that strips these rental units from needing to adhere to common public health and safety requirements and removes the ability for the municipality to enforce them. Not only are such standards expected for other rentals or accommodation providers, it is unclear how this language will impact additions to housing units if they are declared for this purpose.

For instance, while a normal residence must comply with existing boundary, and shoreland setbacks, as well as percentages for expansion in certain zones, if an owner declares

their intent is to establish a short-term rental with the addition, will building codes, historic character and other shoreland requirements apply and can the municipality ask the owner to install carbon monoxide detectors expected in neighboring bed and breakfast accommodations?

The emerging sharing economy industry make sensitively shared spaces and agreed upon rules even more important. Officials ask that you respect a community's right to decide if, when, and how it chooses to approach short-term rentals and do not create a special exception for one type of business that you would not preempt for all others.