



# Maine Association of Planners

## 127th Legislature

Below is the current summary of the LPC's activities during the 127th Maine Legislature. This information will be updated periodically as the LPC works through the legislative session. The LPC began tracking and participating in proposed bills (as needed) as they began to be posted after mid-January. Information on the bills, sponsors, reviewing committee, and their status can be found under the web links provided. Questions can be directed to the LPC chair, Amanda Bunker ([amanda.j.bunker@gmail.com](mailto:amanda.j.bunker@gmail.com)). We continue to welcome participation from MAP members – those interested in participating in LPC activities, or with specific interest in particular bills should contact the LPC chair.

## BILLS INVOLVING MAP TESTIMONY (2015)

- [LD 162–An Act to Protect the Rights of Property Owners](#)
- [LD 309–An Act To Connect Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens](#)

LPC Lead: Beth Della Valle

Summary: [Testimony Document](#). MAP provided testimony in opposition of these bills.

LD 162: This bill requires that any entity enacting or enforcing a land use regulation that creates a taking of privately owned land, defined as a reduction in fair market value of the land, provide compensation in the amount of the reduction in fair market value to the owner of the land or repeal or not enforce the regulation against that owner.

LD 309: This bill establishes standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief. The bill provides that, if a property owner's right to use, divide, sell, occupy or possess real property is reduced by the enactment or application of a government regulation, the property owner may seek and obtain relief.

Bill Status: LD 162 was voted Ought Not To Pass by the Committee on Judiciary. Contact Beth Della Valle for more information.

- [LD 46–An Act To Allow Municipal Boards of Appeal To Grant Setback Variances for Certain Hardships Caused by Prior Owners of the Property](#)

LPC Leads: Amanda Bunker, John Maloney

Summary: [Testimony document](#). MAP provided testimony in opposition to LD 46. This bill sought to remove the requirement that property owners be responsible for setback variance hardships caused by prior owners, though only for cases involving single family residences. The primary concerns raised by MAP were that removing the prior owner clause was in conflict with the hardship requirements in other sections of MRS §4353, and that there were larger repercussions, to land use laws generally, in removing an owners responsibility for actions by prior owners.

Bill Status: Final Committee Vote: Ought Not To Pass

- [LD 193- An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects](#)
- [LD 1301- An Act To Improve the Safety of Vulnerable Users in Traffic and To Clarify the Responsibilities of Bicyclists and Pedestrians](#)

LPC Lead: Sandi Duchesne

Summary: [Testimony document](#). MAP provided support for LD 193 and 1301. LD 193 provides for a \$10 million state bond fund for implementing backlogged bicycle and pedestrian projects. LD 1301 more specifically define the rights and responsibilities of motorists, bicyclists, and pedestrians on Maine's public roads, while also making it easier for the law enforcement community to identify and prosecute right-of-way violations.

Bill Status: LD 193 has not yet been scheduled for hearing or work session by the Committee on Appropriations and Financial Affairs. LD 1301 was reported out in a Divided Report by the Committee on Transportation, but is scheduled for a Work Session on Thursday, May 14<sup>th</sup>.

- [LD 408–An Act To Help Municipalities Prepare for Changes in Sea Level](#)

LPC Lead: Lee Jay Feldman

Summary: [Testimony Document](#). MAP provided testimony in support of LD 408. This bill requires that if a coastal municipality or multimunicipal region that includes a coastal municipality adopts a growth management program under the State's growth planning and land use laws, its comprehensive plan must include information on and a plan to address the impacts of changes in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property. This bill also amends the State's growth planning and land use laws to reflect that addressing the impacts of sea level rise is a state planning and regulatory goal.

Bill Status: The final vote of the Committee on State and Local Government was Ought To Pass As Amended, but in a divided report.

- [LD 911 – An Act Concerning the Review of Certain Projects under the Site Location of Development Laws](#)

LPC Lead: Maureen O'Meara

Summary: [Testimony document](#). MAP provided testimony in opposition to LD 911. This bill creates several new definitions relating to the scenic impact of a wind energy development, addresses scenic impacts of wind energy developments, and addresses DEP requirements for visual impact assessments for certain wind energy developments. The bill appears to be "anti-wind" legislation, with very concerning changes that specifically target wind energy projects and make significant changes to certain definitions of scenic resources. MAP testimony in opposition to this bill was sent electronically to the Committee Clerk for the public hearing.

Bill Status: A public hearing has yet to be scheduled as of the publishing of this summary.

- [LD 1244 –An Act To Amend Environmental Permitting Standards](#)

LPC Lead: Maureen O'Meara

Summary: [Testimony document](#). MAP provided testimony in support of LD 1244. This bill requires the Commissioner of Environmental Protection to issue a decision on an application for an expedited wind energy development within one year of the date the department accepts the application as complete. It repeals procedures related to the review of an application for a grid-scale wind energy development. It provides permitting requirements for small-scale wind energy developments, and makes other changes/additions regarding microhydropower projects.

Bill Status: Final Committee Vote: Ought To Pass As Amended

## **BILLS NOT INVOLVING MAP TESTIMONY (TRACKING ONLY)**

- [LD 147–Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection](#)

LPC Lead: David Hediger

Bill Status: Voted Ought To Pass by the Committee on Environment and Natural Resources

- [LD 153–An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools](#)

LPC Lead: Amanda Bunker

Summary: Developing innovative legislation on vernal pools protection continues to be a complicated and difficult task. This bill seeks to allow for “directional corridor” protection as an option rather than only the current 250 foot buffer setback. The committee received a lot of testimony from a lot of experts on vernal pools ecology and regulation – much of which was generally in support of the concept, but with several caveats as to amending the details of the proposed change.

Bill Status: Voted Ought Not To Pass by the Committee on Environment and Natural Resources.

- [LD 551 – An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans to Prevent Sprawl](#)
- [LD 247–An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services](#)

LPC Lead: Sandi Duchesne

Summary: This bill is a concept draft only, and would (in concept) permit the establishment of voluntary “corridor districts” (regional) so municipalities could jointly fund and operate their own transit systems and related infrastructure within the corridor. This is being led by a Representative from Portland, but has not come out of any work from PACTS. Early thoughts from MAP LPC are that it is not necessarily a well thought out bill concept, but is also thought to be unlikely to pass through the Transportation Committee; LPC will continue to monitor.

Bill Status: A public hearing was held in March, the work session continues to be tabled.

- [LD 307–An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements](#)

LPC Leads: Amanda Bunker, John Maloney

Summary: This bill seeks to amend current Shoreland Zoning law to allow walkways/trails within the shoreland setback within a downtown revitalization project/area. Both DEP and MMA provided testimony in support of the bill.

Bill Status: Final Committee Vote: Ought To Pass

- [LD 395–An Act To Amend the Site Location of Development Laws](#)

LPC Lead: David Hediger

Summary: This bill proposes to amend the site location of development laws, the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6, to provide that any surface water generated by an expansion project and any new or existing system through which that water flows must comply with the surface water regulatory standards in effect at the time the expansion application is filed, under certain conditions.

Bill Status: Voted Ought To Pass As Amended by the Committee on Environment and Natural Resources.

- [LD 442– An Act to Clarify Municipal Capacity for Site Location of Development and Encourage Local Development](#)

LPC Lead: Beth Della Valle, David Hediger

Summary: This bill gives a municipality determined by the Department of Environmental Protection to have capacity to review certain development projects the authority to review modifications to a development project.

Bill Status: Voted Ought To Pass by the Committee on Environment and Natural Resources.

- [LD 506– An Act To Improve Public-private Transportation Partnerships](#)
- [LD 1168– An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership](#)

LPC Lead: Amanda Bunker

Summary: **These bills each primarily address transportation issues, one the use of eminent domain for**

transportation projects and the other the criteria for entities proposing transportation projects to MaineDOT. MAP was approached by the Statewide Coordinator for the Stop the East-West Corridor (also the Coordinator for Defending Water for Life in Maine) seeking support for these bills. They have indicated that the bills would “improve public policy by ensuring the proper role for the state in transportation planning, maintenance, and development, without increasing regulations or stymying infrastructure that is desired by local people. The bills would create an equal playing field for all significant transportation proposals that may utilize the Public-Private-Partnership law.” The LPC agreed to indicate MAP support but did not provide testimony.

Bill Status: LD 506 was voted Ought Not To Pass by the Committee on Transportation. A public hearing for LD 1168 has not yet been scheduled as of the time of this summary for May 12, 2015.

- [LD 551– An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans to Prevent Sprawl](#)

LPC Lead: Amanda Bunker, John Maloney

Summary: This bill was introduced as a concept draft, with very few details available. MAP LPC will continue to work with Growsmart Maine, a lead advocate for the bill concept, on future development of potential legislation.

Bill Status: This bill has been withdrawn by its sponsor.

- [LD 581–An Act To Clarify the Municipal Development District Law](#)

LPC Lead: Beth Della Valle, David Hediger

Summary: Initial concerns include the bill's proposed definition of blight, and the potential to remove a significant amount of municipalities' flexibility in the use of development districts.

Bill Status: A public hearing was held in April, a work session is scheduled for May 12, 2015.

- [LD 40– An Act To Protect Maine's Great Ponds](#)
- [LD 568– An Act To Protect Maine Lakes](#)
- [LD 713– Resolve, To Further Protect Lake Water Quality](#)

LPC Lead: Amanda Bunker

Summary:

LD 40 – This bill creates a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage.

LD 568 – This bill amends the laws governing the Lakes Assessment and Protection Program. It also creates a prohibition on the application of fertilizers within 25 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture.

LD 713 – This resolve directs the DEP to amend its Rules for Municipal Shoreland Zoning Ordinances to reflect changes including setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area, and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005.

Bill Status: LD 40 was voted Ought Not To Pass, LD 568 was voted Ought To Pass As Amended, and LD 713 was voted to Carry Over to next year (Committee on Environment and Natural Resources)

- **LD 775 – An Act To Streamline Judicial Review of Certain Land Use Decisions**

LPC Lead: Maureen O'Meara

Summary: MAP was approached by MEREDA, who has been involved in proposing this legislation, to lend support to the bill. The bill seeks to reduce the judicial review process for certain approved site developments that are challenged in court, given recent cases where such projects have "died" while held up in court and/or were intentionally held up in the courts to stop them from happening.

Details of the bill text have not yet been posted, but based on information from MEREDA, the LPC's concerns currently include their proposed thresholds for which projects (what size) would trigger this streamlined process, and what the opinion of the court justices might be on this legislation.

Bill Status: A public hearing is scheduled for May 14, 2015, before the Committee on Judiciary

#### BILLS REGARDING BOND ISSUES

The LPC will be monitoring several of the bills regarding bond issues (bike/pedestrian, waterfront development, sea level rise, intermodal transportation, etc.). Information will be provided on these as their consideration in legislative committee comes closer.