



Legislative Update: April 23, 2021

Legislative committees are meeting over Zoom, doing the work of conducting public hearings to gain input on bills and then work sessions to take action on those bills. We continue to track about twenty bills of interest with relevance to our mission and where GrowSmart Maine's unique voice can provide meaningful content.

Here's a quick update. You can read all our testimony [here](#)

This week we can report on bills being heard in committee, bills being disposed of by committee, bills moving forward in the full legislature and bills coming up next week. Legislative Council has waived the public hearing notice requirement so we are ardent in checking for daily updates. Committees must report out all bills by May 14th to meet the mid-June adjournment date. Phew! You can read about broadband bills, of which there were several this week, at [Maine Broadband Coalition, Policy](#)

Three Public Hearings This Week:

Hearing for bond proposals began this week and will continue into next week. We are supporting investments in broadband, weatherization, and Land for Maine's Future.

LD 983 "An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation" sponsored by Sen. Breen. *Part A of this bill provides a bond issue, in the amount of \$80,000,000 for the [Land for Maine's Future](#) Fund. Part B allows proceeds of the Land for Maine's Future Fund to be spent on property for a community conservation project and amends the definition of "cooperating entities." It also adds "helping the State's natural ecosystems, wildlife and natural resources-based economies adapt to a changing climate" as a priority of the board in making land acquisitions.*

In **our support of this bond**, we note that conserving land while allowing for a variety of uses creates benefits for Maine's environment, yes, but also for its communities and economy. When I describe the work of GrowSmart Maine, I often reference our organization as the one place where land conservation and downtown revitalization come together across the state. We need to see these not as competing interests, but as opposite sides of the same coin. When we do one well, the other benefits.

I served as a member of the Land Conservation Task Force representing Maine's developers, and am proud to have helped shape the final report released in January 2019, [Shaping the Next](#)



[Generation of Land Conservation in Maine](#) which includes in its final recommendations the components of this bill.

LD 1312 "An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed" sponsored by Rep. Geiger. *This bill requires municipalities to allow one accessory dwelling unit on the same lot as a single-family dwelling unit. It prevents municipalities from imposing any of the following for accessory dwelling units: setback requirements of more than 5 feet; off-street parking requirements; separate sewer or water systems; or owner occupancy. A municipality may not restrict use of one of the units on a lot as a short-term or vacation rental. A municipality may not require correction of a nonconforming use when an accessory dwelling unit is incorporated into an existing single family dwelling unit or of an existing structure converted into an accessory dwelling unit, but a municipality may require compliance with applicable building and fire safety codes for all accessory dwelling units. A municipality's design standards for accessory dwelling units must be clear and objective. Accessory dwelling units within historical preservation districts must comply with historical preservation standards.*

We view accessory dwelling units (ADUs) as a valuable component of a community's effort to provide housing choices. ADUs offer a relatively straight forward, affordable option for accommodating housing needs that evolve from starter housing to aging-in place over a lifetime. One of our Community Guides, [Accessory Apartments, An Affordable Housing Strategy](#), provides ADU guidance for municipalities and links to our [ADU Ordinance Overview](#). provides valuable information on this topic. **While we support the bill, we acknowledge likely opposition as it is a municipal mandate. We also offered specific recommendations on setbacks, allowing short term rentals, and owner occupancy.** A work session planned for April 30th was postponed.

LD 1555 "An Act To Fund Broadband Internet Infrastructure for Marginalized Groups in the State" Sponsored by Representative Talbot Ross *This bill appropriates \$15,000,000 from the General Fund to the ConnectMaine Authority for the provision of broadband Internet infrastructure to benefit marginalized groups. The ConnectMaine Authority is directed to consult with organizations representing marginalized groups, including historically disadvantaged racial, indigenous and tribal communities, individuals who were formerly incarcerated or are unhoused, individuals in substance use disorder recovery and low-income individuals, when making determinations regarding the distribution of these funds.*

In our support of this bill, we noted that LD 1555 highlights the point that fully engaging historically underrepresented populations requires additional effort, starting by building trusted relationships. It should be clear that we all benefit when this effort is successful. Prosperity is not a finite resource; it can and should be cultivated to include all of us. How to achieve this goal will, I



hope, be the topic of thoughtful committee discussion that includes the representative organizations mentioned in the bill.

I offered from GrowSmart Maine and Maine Broadband Coalition perspectives that incorporating underrepresented populations into municipal and regional efforts will be far more effective than creating a separate silo of such work. BUT deliberate processes must be in place to ensure every proposal received by ConnectMaine includes solutions to providing affordable internet access to these populations. Having just read the new language for [LD 1848](#), I did not see language specific to equity, and suggest that the annual report to the Legislature noted in that bill include such language.

Follow Up On Last Week's Hearings: Further Committee Action:

[LD 1257](#) "An Act To Encourage Inclusionary Zoning in Municipalities by Increasing Revenue Sharing" sponsored by Rep. Lookner.

This bill creates an additional level of state-municipal revenue sharing to provide additional resources to municipalities with inclusionary zoning to increase the availability of affordable housing.

THIS WEEK: After brief discussion supporting the intention but not the funding mechanism for this bill, which was an additional 0.25% of municipal revenue sharing, the committee voted on the motion "**ought not to pass**" which was unanimous of those present. The committee analyst referenced LD 609 as a compatible bill that has already been engrossed in the House and Senate.

[LD 462](#) "An Act To Reexamine the Relationship among County, Municipal and State Governments" sponsored by Rep. Sylvester.

This bill would create a committee to study:

- 1. The relationship among county, municipal and state governments;***
- 2. The roles of county government in other states;***
- 3. Which, if any, of those roles might be beneficial in this State;***
- 4. Whether the existing powers of county government are adequate to fill those roles; and***
- 5. Whether the powers of county government should be increased to help county governments provide regional leadership in various areas, including health care, education data collection and workforce development.***

Our testimony was neither for nor against, as we support the intention of improving regional systems, but the bill appears to be leading toward a single conclusion prematurely. LD 462 seems



to assume that additional funding for counties is the likely best strategy to strengthen regional efforts in Maine.

THIS WEEK: The committee held a work session on the bill on April 26 and voted unanimously “**ought not to pass.**”

LD 1246 "Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities" Sponsored by Rep. Terri Gere

This resolve creates the Commission to Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities. The commission has 13 members consisting of Legislators and others with interest or experience in affordable housing and financing in the State. The commission is required to submit its report to the joint standing committee of the Legislature having jurisdiction over labor and housing matters no later than December 7, 2022.

THIS WEEK: The Committee on Labor and Housing held a second work session on this bill on Friday afternoon. The amended version of the bill increases the commission to fifteen members, makes it a legislative study with appointments made by the Speaker and Senate President, uses only existing research and data at MaineHousing rather than requiring additional research, and requires a report to the committee in January 2022. In addition, the amendment allows for seeking of private funding of up to \$50,000 to cover cost of this work (which cannot be used to pay legislative stipends). If sufficient funds are not raised in time, the work will not move forward. This fundraising is subject to approval by the Legislative Council, and if passed in the House and Senate, this study will join others on the Legislature Study Table for a final decision at the end of session. **The vote “ought to pass as amended” received eight votes, three opposed, two absent.**

Legislative Action:

The House and Senate were in session on Wednesday, April 28th. Taking place at the Augusta Civic Center to allow for social distancing, the bodies “moved paper” to advance bills that have been reported out of committees. Below are two we’ve been tracking:

LD 201. "An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit" Sponsored by Senator Nathan Libby.

Support for this bill has been a major focus for us this session, with partners in the Maine Alliance for Smart Growth and MEREDA. LD 201 extends the sunset to the year 2040 to align with goals of Maine’s Climate Action Plan in recognition of the significant positive impacts of rehabilitation and



reuse of existing buildings on site when compared with new construction, particularly greenfield development which pulls undeveloped lands out of the natural environment. Having received a unanimous vote in committee of “ought to pass as amended”, this bill was **passed to be Enacted in the House and awaits this final action in the Senate** when they Legislature reconvenes on May 13th.

LD 609 "Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" sponsored by Speaker Fecteau

We strongly supported this bill as an important mechanism to address local barriers to housing choices. Though our suggestion that the commission include a statewide organization with a focus on smart growth was not considered, our support continues.

The House and Senate moved the bill to the position of “**Passage to be Engrossed**” and when the Legislature is in session again, it will be queued up for final enactment.

A Look At Next Week:

Legislative committees are charged with reporting out all bills by May 14th. This is a tall order. We know of two important climate action bills we'll be supporting next week, one addressing a transition of state vehicles to zero emissions and the other addressing sea level rise.

LD 1572 "Resolve, To Analyze the Impact of Sea Level Rise" (Governor's Bill)

Sponsored by Representative Lydia Blume

This resolve requires the Department of Agriculture, Conservation and Forestry, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation to review the laws and rules they are charged with administering and submit recommendations to the Joint Standing Committee on Environment and Natural Resources by January 1, 2022 necessary to incorporate consideration of 1.5 feet of relative sea level rise by 2050 and 3.9 feet by 2100 into administration of those laws and rules and to implement the strategy designated as "Strategy F3" in the 2020 state climate action plan.

GrowSmart Maine will support this bill as a key component of climate action. Sea level rise is one of the most immediate and potentially dangerous climate change risks to Maine's economy, communities and environment.

LD 1579 "An Act To Transition State and Local Motor Vehicle Fleets to 100 Percent Zero-emission Vehicles" Sponsored by Senator Eloise Vitelli



This bill establishes goals and timetables for the State, counties and municipalities to reduce greenhouse gas emissions from light-duty motor vehicles, motor vehicles used for utility services, motor vehicles used for public transportation and motor vehicles used for public school transportation by 75% by 2035 and achieve 100% zero-emission fleets by 2040. It also directs the Governor's Energy Office to convene an interagency working group to develop a plan to achieve the transition to zero-emission fleets and sets out specific duties for that working group.

We'll be supporting this bill because it provides goals and timelines for government to do its part in achieving the goals set out in Maine's Climate Action Plan, [Maine Won't Wait](#). A separate action plan lays out the specifics of how government can lead in these efforts. [Lead By Example](#). This report adopts ambitious targets for state government, based on the strategies set forth in Maine Won't Wait.

Partnerships: In addition to the Maine Alliance for Smart Growth, we are working with two other collaborative efforts this session: We have joined **Climate Maine** to review and prioritize legislative proposals that fall within our policy priorities to ensure our advocacy is effectively coordinated with others. In addition we continue to lead the policy work of the [Maine Broadband Coalition](#), which will focus on several key funding and policy bills. Check out the [Broadband Policy Page](#) for testimony, value propositions for each committee, and recordings of the Broadband Caucus!

How can you engage? We'll keep you posted on bills as they are printed and work their way through the legislative session, and invite you to participate as you are comfortable. You can offer written or oral testimony for any bill, and track its progress on the Maine Legislature's website <http://legislature.maine.gov/>

Thank you,

Nancy E. Smith
Executive Director