



State Senator
Rick Gudex

District 18

April 23, 2015

To: The Senate Committee on Elections and Local Government
From: Sen. Rick Gudex
RE: SB 113

Mr. Chairman, members of the committee, thank you for holding this hearing today.

In 2013, the court of appeals issued a ruling now known as the Hegwood decision. I won't try to summarize the whole case or the ruling. The important thing for us today is that Hegwood cast doubt on a town's authority to enforce zoning inside a county's shoreland zoning area.

This, in turn, cast doubt on the farmland preservation program in those areas. In a memo dated August 25, 2014, the Department of Agriculture, Trade, and Consumer Protection (DATCP) wrote:

“As a result of Hegwood, towns cannot currently zone for farmland preservation inside the county shoreland district.”

Not everyone agrees with that interpretation, and in order to keep disruption for landowners to a minimum, DATCP decided to continue the program for at least the remainder of 2014. They also noted that legislative work on the problem may be necessary to clear this up, and given the potential impact on landowners in those areas, I agree.

So here it is. This bill has been crafted with a great deal of discussion and input from DATCP, the Towns Association, the Counties Association, the Realtors Association, and local zoning officials, and with the support of several environmental and conservation groups.

The bill makes it clear that towns can, with certain limitations that already exist in the law, enforce zoning inside shoreland areas. This will not only protect the Farmland Preservation Program, but will preserve the rights of local town boards.

Representatives of DATCP are here today to answer any questions the committee might have for them. Representatives from the other groups I mentioned earlier are also here to support this bill and will be able to answer your questions, particularly any highly technical legal questions.

This bill is both bipartisan and widely supported. I urge your support as well.