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COMMENTARY

Kill bill

**The Maine Real Estate & Development Association
advocates against "anti-development" legislation**

BY ROXANE A. COLE

*President, Maine Real Estate & Development
Association, Portland*

As with many business organizations, legislative advocacy has become an important part of the mission of the Maine Real Estate & Development Association (MEREDA).

Our 230 members and officers have full-time jobs and businesses to run, so they look to MEREDA to be their advocate in what they view as an increasingly complex and confusing state capitol. I wish legislative advocacy didn't have to be such a large part of what MEREDA does for its members. It is time-consuming, costly and difficult, but for now it must be a priority because we believe that supporting responsible development is essen-

days after permits had been lawfully granted under those ordinances. The bill, supported by MEREDA, the Maine Association of Realtors, affordable housing advocates and others, passed in the House and Senate but was vetoed by the Governor. The future of the issue is unclear, and it continues to cast a cloud of uncertainty over development projects around the state.

More recently, MEREDA fought unsuccessfully to stop LD 1810, the so-called Informed Growth Act — legislation one weekly newspaper claimed would amount to "repealing free enterprise." This bill, which was enacted by the Legislature and signed by the Governor, requires a developer to pay \$40,000 for an independent consultant, hired through the State Planning Office, to conduct a

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— any development — is a dirty word these days.*

tial to creating economic opportunity throughout the state.

During the last session of the Legislature, we monitored approximately 600 of the nearly 2,000 pieces of legislation introduced. Our members are deeply concerned with Maine's overall business climate and the anti-development attitude that often is reflected in our laws, regulations and ordinances. We were actively engaged in supporting or opposing many bills dealing with topics like building codes, shoreland development, landlord/tenant issues, mortgage foreclosure laws and retail development.

And our advocacy work doesn't let up in the "off-season." Since the Legislature adjourned in June, many state committees, commissions and agencies have been actively meeting and working on a variety of interim studies, carried-over bills and reports, all of which will be introduced in the Legislature in 2008.

At the local level, we helped defeat Portland's short-lived formula business ordinance, which was designed to keep national chains out of the downtown area. We initiated a constructive dialogue about the impact of the ordinance by developing a set of maps that showed how the ordinance also would affect many local businesses and Maine-based chains. For us, the formula business ordinance wasn't just about Portland, it was about the larger issue of doing business in Maine.

Fighting for free enterprise

It seems that for many policymakers and well-financed special interest groups, development — any development — is a dirty word these days. Two years ago, for example, we fought to pass a bill that would have limited retroactive changes to local land use ordinances to within 75

"comprehensive impact study" of any retail project that is 75,000 sq. ft. or larger. If the study finds that the development will take business away from existing stores, the permit can be denied.

These are just two examples of the kind of anti-development bias we are fighting. Bills like these remove any consistency to the development process in Maine, and they reinforce the conventional wisdom that Maine is a risky place to do business. Shortly after it passed, the Informed Growth Act was featured in a *Wall Street Journal* story and this month it will be the subject of a workshop at a conference hosted by the International Council of Shopping Centers in California (where Governor Arnold Schwarzenegger vetoed a similar bill, saying it would make California appear to be "closed for business").

While some of our legislators may be proud of this attention, what they don't realize is that there is a cumulative impact to laws like these. Many good developers from out of state who might otherwise invest in Maine immediately cross us off their list, and many successful Maine-based developers, a number of whom are MEREDA members who contribute greatly to our communities, have had it and already are investing in other places instead of here at home.

As we look to the next session of the Legislature, we will continue to educate policy makers about the importance of Maine's development community and to fight for consistent and fair laws. We will be paying particular attention to measures that seek to clarify vernal pool regulations, standardize various building codes, improve economic development incentives and place unreasonable restrictions on land use. ■