

Testimony of
Ben Gilman for
The Maine State Chamber of Commerce
In Support of
LD 775, An Act To Streamline Judicial Review of Certain Land Use Decisions

May 14, 2015

Senator Burns, Representative Hobbins, members of the Joint Standing Committee on Judiciary, my name is Ben Gilman and I represent the Maine State Chamber of Commerce, a statewide business organization made up of both large and small businesses, here to provide you with our testimony in support of **LD 775, An Act To Streamline Judicial Review of Certain Land Use Decisions**.

Everyone supports a thorough review process for economic development projects here in Maine to ensure that the right project, is the right fit for a community. Unfortunately, at times the process itself is used as a tool to discourage a viable sound economic development project. LD 775 proposes a solution to this problem while still preserving a judicial review process.

Why is a bill such as LD 775 necessary? We would like to highlight a few reasons:

- Too often it seems the opponents to good projects that would promote economic development in Maine communities are held up and killed due to the lengthy judicial appeals process.
- The ability to delay a project in court has become a tactic to cause a project to fail. In a recent article in the Portland Press Herald, the editorial writer wrote about an opponent to a significant project in Portland, "He says he'll take his case all the way to the state Supreme Court, and if he can't win there, he hopes at least to delay the deal so long that the developer will decide to pull out." The article continued on to quote the opponent as saying: "We think the delay may be a deal breaker (for the developer)," Monroe said Tuesday. "The power to delay is the power to destroy."
- It is one thing to allow an unhappy party to ask for a judicial review of a municipal decision, but it is quite another, unfair situation when the judicial process itself becomes the tool for delay.

- This ability to use the court system as a tactic to kill a project is out of line and the legislature needs to help us address this imbalance.

LD 775 seeks to help encourage local development while still ensuring a judicial review process. The Maine State Chamber of Commerce would urge the committee to support LD 775 and I would be happy to try to answer any questions.