

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 598

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H.P. 411

House of Representatives, March 3, 2015

### An Act To Strengthen the Maine Agriculture Protection Act

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TIMBERLAKE of Turner.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: BLACK of Wilton, DILLINGHAM of Oxford, GREENWOOD of Wales,  
HICKMAN of Winthrop, McCABE of Skowhegan, O'CONNOR of Berwick, Senators: DILL  
of Penobscot, President THIBODEAU of Waldo.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §154**, as enacted by PL 2007, c. 649, §3, is amended to read:

3 **§154. Violation of municipal ordinances**

4 A ~~method of farm operation used by a farm or farm operation~~ or agricultural  
5 composting operation located in an area where agricultural activities are permitted may  
6 not be considered a violation of a municipal ordinance if the ~~method of operation~~  
7 ~~constitutes~~ farm operation or agricultural composting operation conforms to best  
8 management practices as determined by the commissioner in accordance with section  
9 153, subsection 1.

10 **Sec. 2. 7 MRSA §155**, as enacted by PL 2007, c. 649, §3, is amended to read:

11 **§155. Application; municipal ordinances**

12 This chapter does not affect the application of state and federal laws. A municipality  
13 must provide the commissioner with a copy of any proposed ordinance that affects farm  
14 operations or agricultural composting operations. The clerk of the municipality or a  
15 municipal official designated by the clerk shall submit a copy of the proposed ordinance  
16 to the commissioner at least 90 days prior to the meeting of the legislative body or public  
17 hearing at which adoption of the ordinance will be considered. The commissioner shall  
18 review the proposed ordinance and advise the municipality as to whether the proposed  
19 ordinance restricts or prohibits the use of best management practices. This section does  
20 not affect municipal authority to enact ordinances.

21 **SUMMARY**

22 This bill ensures that agricultural composting operations are included in all sections  
23 of the Maine Agriculture Protection Act, also commonly known as the right-to-farm law,  
24 that protect farms and farm operations.