

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1574

H. P. 1294

House of Representatives, April 2, 1975

On Motion of Mr. Cooney of Sabattus, referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Peterson of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Provide for Citizen Gardens on Suitable State Land.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is the purpose of this Act to provide plots, where possible, on certain unused state lands for gardening; and

Whereas, these garden plots will provide many Maine citizens with food needed to feed themselves and their families; and

Whereas, if this Act is to aid Maine citizens during this present period of high food costs and rising unemployment, it must become effective immediately so that the required state planning can take place; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

7 MRSA Pt. 9 is enacted to read:

PART 9

GARDENS

CHAPTER 801

CITIZEN GARDENS ON STATE LAND

§ 4001. Purpose

It is the purpose of this chapter to provide garden plots on suitable state-owned or leased land for Maine citizens at a nominal fee in order to encourage Maine citizens to help feed themselves and their families.

§ 4002. Responsibility

The Commissioner of Agriculture shall be responsible for carrying out the provisions of this chapter.

§ 4003. Inventory

The commissioner shall, during the months of November and December of each year, inventory all state-owned or state-leased land in this State which will be unused during the months of March through October of the following year and which is suitable for gardening conducted on plots of one acre or less.

§ 4004. Applications

The commissioner, after he has completed his inventory, shall make known to the public the amount and location of state-owned or leased land available for gardening, the agency controlling that land, and the address of that agency. Each agency shall then, during the month of February, accept applications for citizen garden plots on that land listed in the inventory which it controls, and shall during the month of March, assign garden plots on that land to applicants. Each agency shall accept applications for citizen garden plots and assign those plots during other months of the year on a space-available basis. The size of the plots shall be determined by the number of applicants desiring garden plots in each location, but in each case, the amount of land granted each applicant in each location shall be equal, and in no case shall any applicant receive a gardening plot which is larger than one acre.

§ 4005. Marking and plowing of plots

Each agency shall, after it has assigned garden plots to its applicants, arrange to have the garden plots marked off and plowed and to have any other preparations necessary for gardening made.

§ 4006. Limits

No person shall be entitled to more than one garden plot under this program and no food grown on any garden plot under this program shall be sold.

§ 4007. Fee

Each agency granting garden plots under this chapter shall charge each applicant granted a plot a fee sufficient to defray the expenses borne by that agency in granting and overseeing those plots and to defray the prorated expenses borne by the Commissioner of Agriculture in carrying out this chapter.

§ 4008. Fund

All fees collected under section 4007 shall be paid into the "Citizen Gardens Fund," which shall be administered by the Commissioner of Agriculture for the purpose indicated in section 4007 and audited in the same manner as other funds held by the Department of Agriculture.

§ 4009. Rules and regulations

The Commissioner of Agriculture shall make and promulgate any reasonable rules and regulations necessary to carry out this chapter. Any rule or regulation promulgated by the Commissioner of Agriculture under this section shall become effective 90 days after the date of promulgation unless the rule or regulation is disapproved by the Joint Standing Committee on Agriculture of the Legislature within that 90-day period.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill makes garden plots on unused state land available to Maine citizens for the growing of food. A limited form of this program was attempted last year in Augusta and was very successful.

This bill provides that user fees will pay the cost of this program and thus, this bill should require no appropriation from the State.