

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-500)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1175, L.D. 1399, Bill,  
"AN ACT to Protect Farmers' Right to Farm."

Amend the Bill by striking out everything after the enact-  
ing clause and inserting in its place the following:

'~~←~~ 17 MRSA §2805 is enacted to read:

§2805. Farms or farm operations not a nuisance

1. Definition. As used in this section, unless the con-  
text otherwise indicates, the following terms have the following  
meanings.

A. ~~←~~ "Farm" means the land, buildings and machinery  
used in the commercial production of farm products.

B. ~~←~~ "Farm operation" means a condition  
or activity which occurs on a farm in connection with the  
commercial production of farm products and includes, but  
is not limited to, / <sup>noise,</sup> odors, dust, fumes, operation of machinery  
and irrigation pumps, ground and aerial seeding and spraying,  
disposal of manure, the application of chemical fertilizers,  
soil amendments, conditioners and pesticides and the em-  
ployment and use of labor.

C. ~~←~~ "Farm product" means those plants and  
animals useful to man and includes, but is not limited to  
Forages and sod crops, grains and food crops, dairy products,  
poultry and poultry products, bees, livestock and livestock  
products and fruits, berries, vegetables, flowers, seeds,  
grasses and other similar products.

2. Generally accepted agricultural practices. A farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation alledged to be a nuisance conforms to generally accepted agricultural practices as determined by the Commissioner of Agriculture, Food and Rural Resources in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Change in land use. A farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm and, before the change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

4. Application. This section shall not affect the application of ~~the~~ state and federal statutes.'

Statement of Fact

This amendment replaces the original bill and defines "farm," "farm operation" and "farm products." It provides that it shall not be a public or private nuisance if the farm operation conforms to generally accepted agricultural practices. The Commissioner of Agriculture, Food and Rural Resources shall determine what are accepted agricultural practices.

It also provides that farm operations may not be considered nuisances merely because the land around the farm changes in use, as, such/to a more residential use.

Reported by the Majority of the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk  
of the House.

5/28/81

(Filing No. H-500)