

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2364

6
7 H.P. 1789

House of Representatives, March 27, 1984

8 Reference to the Committee on Agriculture is suggested and ordered
9 printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Michael of Auburn.

Cosponsors: Senator Wood of York and Representative Hall of
Sangerville.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Protect Agricultural Lands.
18

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

21 Sec. 1. 12 MRSA Pt. 1-A is enacted to read:

22 PART 1-A

23 AGRICULTURE

24 CHAPTER 101

25 MAINE AGRICULTURAL LAND PROTECTION ACT OF 1984

26 SUBCHAPTER I

27 GENERAL PROVISIONS

28 §351. Short title

1 This chapter shall be known as the Maine Agricultural
2 Land Protection Act of 1984.

3 §352. Legislative findings

4 1. Findings. The Legislature finds that:

5 A. Agriculture is an important source of economic
6 activity in the State, contributing substantially
7 to the overall economy and strengthening
8 its rural areas and values and rural quality of
9 life;

10 B. The Legislature also recognizes that Maine
11 and New England contain only 1% of the nation's
12 farmland and 5% of the United States population,
13 with the result that the region imports over 70%
14 of its food needs. The Legislature finds that the
15 future availability of food from the nation's major
16 agricultural regions in the west is threatened
17 by increasing competition for and declining
18 supplies of ground water needed for irrigation,
19 rising transportation costs and uncertainties in
20 predicted long-term climatic changes; and

21 C. The Legislature further finds that the
22 state's most productive soils represent less than
23 15% of the total land base and that the retention
24 of a maximum amount of the state's limited supply
25 of agricultural land is a matter of public concern
26 and is necessary to the conservation of the
27 state's economic resources and to assure adequate,
28 healthful and nutritious food, both in the
29 present and in the future, for the residents of
30 this State, the region and the nation.

31 2. Additional findings. In addition, the Legis-
32 lature specifically finds:

33 A. Maine has been steadily losing farms and
34 farmland. Between 1945 and 1982, agricultural
35 land in the State was reduced by 2/3. The contin-
36 ued loss of the productive potential of agricul-
37 tural land threatens the health and welfare of
38 the people of this State, the region and the na-
39 tion;

1 B. The loss of agricultural land has been caused
2 by economic pressures leading to abandonment and
3 conversion to other uses. Conversion to commer-
4 cial or residential uses accounts for an estimat-
5 ed 30% of land lost from agriculture since 1960
6 and is of the most serious concern because it is
7 irreversible. The cumulative impact of individual
8 conversion losses becomes significant over time;

9 C. Division of farm units following abandonment
10 into 10-acre or 20-acre parcels for primary and
11 secondary home sites and woodlots effectively re-
12 moves the land from viable agricultural activity
13 and represents another form of conversion which
14 threatens the continued availability of agricul-
15 tural land;

16 D. Since 1950, the portion of cropland in Maine
17 which is rented has increased from 14% to 31%.
18 Short-term leases for agricultural land are com-
19 mon. Nonfarm owners are increasingly controlling
20 the state's agricultural land with the intention
21 of developing it in the future. This competition
22 for agricultural land presents a subtle develop-
23 ment pressure which increases the cost of land to
24 farmers and which is manifest in a trend toward
25 increasing land rental. These circumstances place
26 Maine farmers and farmland at risk;

27 E. The presence of certain land uses within an
28 agricultural area, such as housing developments
29 and nonagricultural commercial uses, results in
30 incompatibilities which constrain the economic
31 operation of agriculture, including the threat of
32 nuisance suits, increased theft and vandalism and
33 the risk of public exposure to pesticides and
34 other health hazards and is a matter of public
35 concern;

36 F. Loss of agricultural land is accelerated when
37 agricultural activity in an area is reduced to
38 levels below a minimum threshold or critical mass
39 needed to maintain the economic viability of
40 farming. The state's agricultural industry has
41 been reduced to its critical mass in many areas.
42 Further losses will result in the exit of busi-
43 nesses which supply inputs to farming, such as

1 feed mills, farm supply stores and farm equipment
2 dealers, as well as markets for farm products
3 such as wholesale dealers and food processing in-
4 dustry, and may also result in declining ser-
5 vices from university and federal agencies. Re-
6 maining farmers may be forced out of business as
7 the infrastructure for supplies and markets di-
8 minishes. The maintenance of a viable agricultur-
9 al economy requires the protection of agricultur-
10 al land and operations in such amounts as to pro-
11 vide the critical mass needed for a viable supply
12 and marketing infrastructure;

13 G. It is in the public interest to provide for
14 orderly growth and development in order to mini-
15 mize the public costs of certain private land use
16 decisions, including the added costs of public
17 services to scattered development, the threat to
18 the public health and welfare arising from unnec-
19 essary exposure to health hazards, the loss of
20 economic returns from agriculture and the reduc-
21 tion in the food production potential for the fu-
22 ture.

23 It is in the public interest to provide for or-
24 derly growth and development in order to maximize
25 total benefits from the use of our land resources
26 in a way that optimizes the present use of the
27 land while ensuring its availability for future
28 agricultural options. There is enough land in the
29 State to provide for growth and development,
30 while maintaining its agricultural land base and
31 preserving the special nature of its rural areas
32 if the land resources are used efficiently and
33 growth is directed by an orderly process;

34 H. It is the responsibility of the State to pro-
35 tect viable agricultural lands from the adverse
36 effects of developments which due to their magni-
37 tude have been identified as a matter of state
38 concern and are subject to state review and regu-
39 lation pursuant to Title 38, sections 481 to 489,
40 or which are wholly, or in part, financed by
41 grants or loans made available by or through
42 state approval, or which are the result of direct
43 state action in the development of public build-
44 ings and improvements; and

1 I. The protection of agricultural land from
2 parcelization and the incompatibility of small
3 scale development is best served by local plan-
4 ning and zoning which is based on an adequate un-
5 derstanding of the desires and objectives of the
6 local citizenry, an intimate knowledge of the lo-
7 cal human, economic and natural resources and an
8 ability to respond effectively to changing needs
9 and conditions, recognizing an obligation to con-
10 sider and provide for regional and state level
11 concerns as embodied in this chapter.

12 §353. State policy

13 It is the policy of the State to ensure an ade-
14 quate and affordable supply of productive agricultur-
15 al land to meet the needs of existing and future ag-
16 ricultural operations, to protect viable agricultural
17 lands from conversion to development, to protect ag-
18 ricultural operations from constraints on necessary
19 agricultural practices due to encroachment of incom-
20 patible land uses into farming areas, to enhance the
21 economic viability of agricultural operations and to
22 support the supply and market structures needed for a
23 viable agricultural economy in order to arrest the
24 abandonment of productive agricultural land and its
25 subsequent reversion to forested land and conversion
26 to development.

27 §354. Purposes

28 The purposes of this chapter are:

29 1. Agricultural land retention districts. To de-
30 fine areas of the State which contain the most pro-
31 ductive agricultural soils and which are economically
32 viable for agriculture as agricultural land retention
33 districts in order to protect that land from develop-
34 ment which is incompatible with its agricultural po-
35 tential;

36 2. Impacts of state activities. To ensure that
37 state activities, including provision of funding or
38 financing for development or taking of land by emi-
39 nent domain, do not interfere with the viable opera-
40 tion of agricultural activities within agricultural
41 land retention districts or reduce the agricultural
42 potential of the resource base of those districts;

1 3. Accessibility of agricultural land. To ensure
2 that farmers have access to productive agricultural
3 land; and

4 4. Agricultural investment outlook. To improve
5 the outlook for investment in agriculture by reducing
6 development pressures within agricultural land reten-
7 tion districts and by protecting lands within those
8 districts from incompatible land uses contributing to
9 nuisance or health suits and damages from theft and
10 vandalism.

11 §355. Definitions

12 As used in this chapter, unless the context indi-
13 cates otherwise, the following terms have the follow-
14 ing meanings.

15 1. Agricultural land. "Agricultural land" means
16 lands currently being used or that have the potential
17 to be used to produce agricultural commodities, ex-
18 cluding forest products other than Christmas trees
19 and maple sugar products.

20 2. Agricultural land of local importance. "Agri-
21 cultural land of local importance" means land which
22 is not prime or unique agricultural land but which,
23 according to standards promulgated by the Agricultur-
24 al Lands Protection Board, contributes significantly
25 to the local agricultural economy.

26 3. Agricultural land of statewide importance.
27 "Agricultural land of statewide importance" means
28 land which is not prime or unique agricultural land
29 but which, according to standards promulgated by the
30 Agricultural Lands Protection Board, contributes sig-
31 nificantly to the agricultural economy of the State.

32 4. Agricultural land retention district. "Agri-
33 cultural land retention district" means that land
34 which is so designated for purposes of agricultural
35 land retention pursuant to subchapter IV.

36 5. Compromised agricultural land. "Compromised
37 agricultural land" means land which, according to
38 standards promulgated by the Agricultural Lands Pro-
39 tection Board, is so located as to have had its value

1 as agricultural land significantly diminished or de-
2 stroyed because of its proximity to other develop-
3 ment, distance from markets and transportation facil-
4 ities or other similar, relatively permanent factors
5 affecting its economic viability as agricultural
6 land.

7 6. Designated agency. "Designated agency" means
8 an agency or group of agencies selected by the Agri-
9 cultural Lands Protection Board to propose agricul-
10 tural land retention districts within their respec-
11 tive jurisdictions or service areas pursuant to sec-
12 tion 359, subsection 3.

13 7. Farm operation. "Farm operation" means an ec-
14 onomic unit comprised of agricultural lands and asso-
15 ciated buildings that are operated under the same
16 ownership or management, including forested lands
17 that are contiguous to agricultural lands and are
18 part of that same ownership.

19 8. Important related land. "Important related
20 land" means that land in an area of significant agri-
21 cultural land which, according to standards promul-
22 gated by the Agricultural Lands Protection Board, is
23 determined to be necessary for the continued success
24 of agricultural operations in the area.

25 9. Parcel of land. "Parcel of land" means all
26 land contained within a continuous uninterrupted
27 boundary.

28 10. Prime agricultural land. "Prime agricultural
29 land" means that land which is classified as such under
30 the standards of the Soil Conservation Service of
31 the United States Department of Agriculture pursuant
32 to the Code of Federal Regulations, Title 7, §657.5
33 (a), which standards are incorporated in this chapter
34 by reference.

35 11. Significant agricultural land. "Significant
36 agricultural land" means prime, unique and agricul-
37 tural land of statewide importance which is not com-
38 promised land.

39 12. Unique agricultural land. "Unique agricul-
40 tural land" means that land which is classified as

1 such under the standards of the Soil Conservation
2 Service of the United States Department of Agricul-
3 ture pursuant to the definitions of the Code of Fed-
4 eral Regulations, Title 7, §657.5 (b), which stan-
5 dards are incorporated in this chapter by reference.

6 SUBCHAPTER II

7 AGRICULTURAL LANDS PROTECTION BOARD

8 §356. The Agricultural Lands Protection Board

9 1. Board established. There is established,
10 within the Department of Agriculture, Food and Rural
11 Resources, an Agricultural Lands Protection Board, in
12 this chapter called the board. The board shall consist
13 of 7 voting members. In addition to the Commis-
14 sioner of Agriculture, Food and Rural Resources or
15 his designee, the chairman of the State Soil and Wa-
16 ter Conservation Commission, there are 5 members who
17 are appointed by the Governor and subject to the ap-
18 proval of the joint standing committee of the Legis-
19 lature having jurisdiction over agriculture and to
20 confirmation by the Senate. The 5 additional members
21 shall include 2 members who are farmers, one member
22 who is or has served as a municipal official, one
23 member who is serving on or has served on a board of
24 a regional planning agency or regional council of
25 government and one member from the public at-large.
26 The designee of the commissioner shall be limited to
27 a person holding a major policy-influencing position
28 as defined by Title 5, section 711.

29 2. Organization of the board. The Governor shall
30 designate one of the board members to serve as chair-
31 man and the board may elect such other officers as it
32 deems necessary. The board shall meet at the call of
33 the chairman or at the request of any 3 members. Five
34 members shall constitute a quorum and an affirmative
35 vote of a majority of those present and voting shall
36 be necessary for any official action.

37 3. Terms of appointment. The public members
38 shall be appointed for terms of 4 years, except that,
39 of the initial appointees, 2 shall serve 4-year
40 terms, 2 shall serve 3-year terms and 2 shall serve
41 2-year terms. Any vacancy shall be filled by appoint-
42 ment for the remainder of the unexpired term.

1 4. Compensation of the board. Each public member
2 shall receive the same per diem salary as paid to
3 Legislators for services at hearings or meetings and,
4 consistent with Title 5, section 13, shall be enti-
5 tled to payment of necessary expenses, in connection
6 with the official business of the board, under the
7 authorization of the board.

8 5. Staff. The commissioner shall appoint a di-
9 rector with the approval of the board. The director
10 shall be the principal administrative, operational
11 and executive employee of the board. The director
12 shall attend and participate in all meetings of the
13 board, but may not vote. The director, with the ap-
14 proval of the commissioner, may hire professional
15 personnel and other staff deemed necessary. the board
16 may coordinate its staff activities with those of the
17 State Soil and Water Conservation Commission. All em-
18 ployees of the board shall be subject to Title 5,
19 Part 2. The director may obtain office space, goods
20 and services as required.

21 The board may establish standards for the delegation
22 of its authority to the staff. Any person aggrieved
23 by a decision of the staff has a right to a review of
24 the decision by the board.

25 The Commissioner of Agriculture, Food and Rural Re-
26 sources shall provide the board with administrative
27 services of the department, including assistance in
28 preparation of the board's budget and the services of
29 consultants on a contractual basis, or otherwise as
30 may be necessary to assist the board, and may require
31 reimbursement for these services.

32 6. Powers and duties. It shall be the duty of
33 the board, exercising the police power of the State,
34 to protect agricultural land pursuant to this chap-
35 ter. The board shall:

36 A. Monitor the status of significant agricultur-
37 al lands in the State, including the rates of
38 conversion, erosion or abandonment of these
39 lands, through studies and other means, as pro-
40 vided by this chapter, and shall annually report
41 to the Legislature on the effectiveness of, and
42 its progress in implementation and administration
43 of, this chapter;

1 B. Establish criteria for the identification of
2 agricultural land retention districts;

3 C. Designate and fund agencies to propose bound-
4 aries of agricultural land retention districts;

5 D. Approve proposed boundaries of agricultural
6 land retention districts;

7 E. Beginning August 1, 1985, review and approve
8 applications submitted pursuant to Title 38, sec-
9 tions 481 to 490, for permits for development to
10 be located within agricultural land retention
11 districts;

12 F. Assist municipalities in planning and zoning
13 to protect land in agricultural land retention
14 districts;

15 G. Administer and distribute the Agricultural
16 Land Retention Fund; and

17 H. Review and approve requests for state funding
18 assistance to construct nonagricultural struc-
19 tures within agricultural land retention dis-
20 tricts.

21 The board may receive advice and assistance from,
22 coordinate with or enter into agreements with, the
23 State Planning Office, the Soil and Water Conserva-
24 tion Commission, the Department of Conservation and
25 other state, federal or local agencies and with uni-
26 versities, planning agencies and nonprofit organiza-
27 tions with relevant expertise.

28 The board may establish rules in a manner con-
29 sistent with the Maine Administrative Procedure Act,
30 Title 5, chapter 375, as necessary to carry out the
31 purposes of this chapter.

32 SUBCHAPTER III

33 AGRICULTURAL LAND RETENTION FUND

34 §357. Agricultural Land Retention Fund

1 1. Establishment; purposes. An Agricultural Land
2 Retention Fund shall be established for the purpose
3 of assisting local government and planning agencies
4 in protecting agricultural lands pursuant to this
5 chapter. All funds appropriated for that purpose and
6 all other funds received for purposes related to this
7 chapter and so designated by the Governor shall be
8 credited to the fund and shall be nonlapsing.

9 2. Distribution of funds. The Agricultural Lands
10 Protection Board shall administer the fund and shall,
11 in consultation with the State Planning Office, es-
12 tablish standards for the distribution of funds so
13 appropriated.

14 SUBCHAPTER IV

15 AGRICULTURAL LAND RETENTION DISTRICTS

16 §358. Standards for defining lands to be included in
17 agricultural land retention districts

18 1. Adoption of standards. Prior to January 1,
19 1986, the Agricultural Lands Protection Board shall,
20 by rulemaking, establish standards for identifying
21 agricultural lands of statewide importance, agricul-
22 tural lands of local importance, important related
23 lands and compromised agricultural lands. In estab-
24 lishing these standards, the board shall be guided by
25 the following criteria.

26 A. Standards for agricultural lands of statewide
27 importance shall be based upon the capacity of
28 the land to produce commodities of existing or
29 potential economic significance to the State.

30 B. Standards for agricultural lands of local im-
31 portance shall be based upon the significance of
32 agricultural activity in maintaining a local sup-
33 ply and service infrastructure or contributing to
34 the local economy.

35 C. Standards for important related lands shall
36 be based upon the need to avoid conflicting and
37 incompatible uses within a farming area and the
38 need to maintain the integrity of existing farm
39 operations, including wooded lands which are an

1 important economic component of the farm opera-
2 tion.

3 D. Standards for compromised agricultural lands
4 shall be based upon the existence of public sewer
5 and water facilities, constraints imposed by sur-
6 rounding development, remoteness from transporta-
7 tion networks and absence of an existing or po-
8 tential agricultural activity in an area suffi-
9 cient to support a viable service, market and
10 supply infrastructure.

11 2. Legislative approval of standards. Standards
12 so adopted shall be effective immediately, but shall
13 be submitted to the next regular session of the Leg-
14 islature for approval or modification. If the Legis-
15 lature fails to act, these standards shall continue
16 in full force and effect.

17 §359. Establishment of agricultural land retention
18 districts

19 1. Designated agencies to propose agricultural
20 land retention districts. The Agricultural Lands Pro-
21 tection Board shall designate agencies which shall
22 propose agricultural land retention districts within
23 their jurisdictions or service areas. Prior to Janu-
24 ary 1, 1986, the board shall promulgate rules estab-
25 lishing the standards by which agencies shall be des-
26 ignated, procedures by which agencies may apply for
27 this designation and dates by which applications must
28 be received and by which designated agencies must
29 submit proposed agricultural land retention dis-
30 tricts. In the absence of a designated agency or
31 failure of a designated agency to adequately define
32 agricultural land retention districts in a given ar-
33 ea, the Agricultural Lands Protection Board shall as-
34 sume this responsibility. The board shall establish
35 rules defining the conditions under which agencies
36 shall lose their designated status.

37 2. Lands included. Agricultural land retention
38 districts shall include all significant agricultural
39 land and important related land and may include agri-
40 cultural land of local importance, except any such
41 lands which may be needed to accommodate growth, in-
42 cluding commercial, industrial and residential devel-

1 opments and public facilities, may be excluded from
2 an agricultural land retention district pursuant to
3 subsection 3.

4 3. Adjustments for growth. Any significant agri-
5 cultural lands, agricultural lands of local impor-
6 tance or important related lands may be excluded from
7 an agricultural land retention district, provided
8 that these lands are needed to accommodate growth and
9 provided that:

10 A. The municipalities within which these lands
11 are located have adopted a comprehensive plan
12 which addresses both the need to protect agricul-
13 tural land and the need to accommodate projected
14 growth;

15 B. There are no suitable alternative sites with-
16 in the town or region that could reasonably ac-
17 commodate the growth needs of the municipality;
18 and

19 C. The municipalities concerned have adopted
20 zoning related to housing and development, as
21 well as agricultural use zones to protect lands
22 within an agricultural land retention district
23 from conversion to nonagricultural uses.

24 4. State adoption. The Agricultural Lands Pro-
25 tection Board shall adopt proposed agricultural land
26 retention districts that conform to the standards and
27 procedures established pursuant to this section. The
28 board shall hold a public hearing and shall make its
29 determination on adoption of the agricultural land
30 retention district by rule in accordance with Title
31 5, chapter 375.

32 5. Recording of maps. After an agricultural land
33 retention district has been adopted pursuant to sub-
34 section 4, maps defining agricultural land retention
35 districts and defining municipal zones, where appli-
36 cable, shall be filed with the applicable municipal
37 clerk in accordance with procedures and requirements
38 established pursuant to Title 30, section 2153, sub-
39 section 5.

40 §360. Amendment of agricultural land retention dis-
41 tricts

1 1. Petition for amendment. Any landowner within
2 an agricultural land retention district or any state
3 agency, municipality or quasi-municipal agency may
4 petition the Agricultural Lands Protection Board for
5 an amendment to the agricultural land retention dis-
6 trict to remove from it or add to it certain pre-
7 scribed lands. The board shall, by rule, establish
8 procedures for petitioning for an amendment.

9 2. Hearing. Within 30 days of receipt of a peti-
10 tion to amend an agricultural land retention district
11 which has been filed in accordance with the proce-
12 dures set forth pursuant to subsection 1, the board
13 shall schedule a hearing and shall notify the peti-
14 tioner in writing of the date, time and place set for
15 the hearing. The board shall make its determination
16 regarding the proposed amendment by rulemaking, con-
17 sistent with the standards set forth in subsection 3.

18 3. Standards for approval. The board shall amend
19 the agricultural land retention district only upon a
20 finding that the applicant has demonstrated by a pre-
21 ponderance of evidence that:

22 A. In the case of a petition from a landowner or
23 group of landowners for removal of lands from a
24 district:

25 (1) For significant agricultural lands:

26 (a) The designation imposes continuing
27 economic inviability on the applicant
28 and on a substantial number of other
29 landowners in the district. For pur-
30 poses of this section, economic
31 inviability shall not mean merely the
32 existence of uses of the land which
33 would allow higher returns, but means
34 that using proper management, the land-
35 owner or landowners are, on a continued
36 basis, unable to realize a reasonable
37 return on their investment and labor
38 and management either for existing or
39 reasonable practical, alternative agri-
40 cultural uses. A reasonable return on
41 labor and management shall be found
42 when that return is comparable to pre-

1 vailing returns to labor and management
2 for similarly situated like agricultur-
3 al uses;

4 (b) Significant natural physical
5 changes have occurred on the land which
6 are generally irreversible and perma-
7 nently affect the land so as to make it
8 no longer suitable as designated;

9 (c) Significant changes have occurred
10 in surrounding conditions which make
11 the continued agricultural or
12 agriculture-related use of the parcel
13 impossible or impractical, provided
14 that these changes shall not provide
15 the basis for amendment if the changes
16 resulted from actions taken or initi-
17 ated by the landowner or a predecessor
18 in title; or

19 (d) There was a clerical or other mis-
20 take in the initial zoning; and

21 (2) For important related lands, criteria
22 specified under subparagraph (1) are met,
23 except the requirement that a substantial
24 number of other landowners in the district
25 must be similarly situated may be waived.

26 B. In the case of a petition from a municipality
27 for the removal of lands from an agricultural
28 land retention district, to provide for growth
29 and development, the municipality has met the re-
30 quirements relative to adjustments for growth
31 provided under section 359, subsection 2;

32 C. In the case of a petition from a state agen-
33 cy, municipality or quasi-municipal agency for
34 the removal of lands from a district for a public
35 facility, the petitioner has demonstrated that
36 the land is the only economically feasible, suit-
37 able site for the public facility; and

38 D. In the case of a petition from a landowner, a
39 group of landowners, a designated agency or mu-
40 nicipality to add lands to an agricultural reten-

1 tion district, the lands meet the criteria under
2 section 359, subsection 1.

3 4. Recording of amendments. After an amendment
4 to an agricultural land retention district has been
5 adopted pursuant to subsection 2, maps defining the
6 amendment and maps defining municipal zones shall be
7 filed with the applicable municipal clerk in accord-
8 ance with procedures and requirements established
9 pursuant to Title 30, section 2153, subsection 5.

10 SUBCHAPTER V

11 DEVELOPMENT SUBSTANTIALLY AFFECTING
12 AGRICULTURAL RETENTION DISTRICTS

13 §361. Agricultural Lands Protection Board permit re-
14 quired

15 1. Application. Any development for which per-
16 mits are required under Title 38, sections 481 to
17 490, and which is located within an agricultural land
18 retention district shall also require a permit from
19 the Agricultural Lands Protection Board. Any person
20 intending to construct or operate such a development
21 shall submit a plan of the proposed development to
22 the Agricultural Lands Protection Board showing the
23 existing use of the land, the proposed change, exist-
24 ing uses of adjacent properties, general soils char-
25 acteristics of the land to be developed and adjacent
26 properties and such other information as may be re-
27 quired by the board to determine conformance with
28 subsection 4.

29 2. Board action. The board shall, within 30 days
30 of receipt of a completed application, approve the
31 proposed development upon such terms and conditions
32 as it deems appropriate and reasonable, or disapprove
33 the proposed development, setting forth the reasons
34 therefor, or schedule a hearing thereon, in accord-
35 ance with subsection 3.

36 The board may establish standards within which au-
37 thority may be delegated to its staff to approve with
38 reasonable conditions or deny applications submitted
39 under this section. Any person aggrieved by a deci-
40 sion of the staff shall have the right to a review of
41 the decision by the board.

1 3. Hearings and procedures. In the event that
2 the board determines on its own motion to hold a
3 hearing on an application, it shall hold the hearing
4 within 30 days of the determination.

5 Any person for whose proposed development the board
6 has issued an order without a hearing may request a
7 hearing before the board, in writing, within 30 days
8 after the notice of the board's determination. This
9 request shall set forth, in detail, the findings and
10 conclusions of the board to which that person ob-
11 jects, the basis of the objections and the nature of
12 the relief requested.

13 The board shall respond to a written request for a
14 hearing within 30 days of receipt thereof by notify-
15 ing the petitioner in writing of the date, time and
16 place set for the requested hearing or of the denial
17 of the request.

18 At least 15 days prior to the hearing, notices of the
19 date, time and place of the hearing shall be sent to
20 the applicant and other landowners within that agri-
21 cultural land retention district and shall be posted
22 in a local newspaper.

23 The board, in accordance with Title 5, chapter 375,
24 subchapter II, shall adopt, and may amend and repeal,
25 rules of conduct of hearings and shall make a record
26 of all hearings held pursuant to this section.

27 Within 45 days after the board adjourns any hearing
28 held under this subsection, it shall make findings of
29 fact and issue an order granting or denying approval
30 of the applicant to construct or operate the develop-
31 ment as proposed, or granting the approval upon such
32 reasonable terms and conditions as the board may deem
33 appropriate.

34 4. Standards for approval. The following stan-
35 dards for approval shall apply.

36 A. Permits under this section for development of
37 significant agricultural land and agricultural
38 land of local importance in agricultural land re-
39 retention districts shall be issued only for a use
40 for which the following criteria have been satis-
41 fied:

1 (1) The applicant demonstrates by a prepon-
2 derance of the evidence that the development
3 will not significantly reduce the agricul-
4 tural potential of the parcel or of the ag-
5 ricultural land retention district, and the
6 development is otherwise consistent with any
7 plans and ordinances adopted by the municipi-
8 pality;

9 (2) The applicant demonstrates, by a pre-
10 ponderance of the evidence, that the devel-
11 opment is agriculturally related and will
12 enhance the agricultural potential of the
13 agricultural land retention district, and
14 that there is no site reasonably available
15 to the applicant which would not require de-
16 velopment of significant agricultural lands
17 or agricultural land of local importance,
18 and the development is otherwise consistent
19 with any plans and ordinances adopted by the
20 municipality; or

21 (3) The applicant demonstrates by a prepon-
22 derance of the evidence that:

23 (a) The applicant, using reasonable
24 management skills, is unable to realize
25 a reasonable return on his investment,
26 labor and management, either for an ex-
27 isting or reasonable practical alterna-
28 tive agricultural use. A reasonable re-
29 turn on labor and management shall be
30 found when that return is comparable to
31 prevailing returns to labor and manage-
32 ment for similarly situated, like agri-
33 cultural uses;

34 (b) The development has been planned
35 to minimize the reduction of agricul-
36 tural potential of the parcel by pro-
37 viding for reasonable population densi-
38 ties, the use of cluster planning or
39 other techniques designed to economize
40 on the cost of facilities and land us-
41 age;

1 (c) The development has been planned
2 to minimize any adverse effect on the
3 agricultural use of adjoining lands or
4 of the area; and

5 (d) The development is, to the maximum
6 extent possible, consistent with any
7 plans adopted by the municipality; and

8 B. Permits for development of important related
9 land in agricultural land retention districts
10 shall be issued only for a use for which the ap-
11 plicant has shown, by substantial evidence, that:

12 (1) The development will not significantly
13 interfere with or jeopardize the continua-
14 tion of agricultural use of the district or
15 otherwise reduce the agricultural potential
16 of the district; and

17 (2) The development is otherwise consistent
18 with any plans and ordinances adopted by the
19 municipality.

20 5. Conditional approval. In approving applica-
21 tions submitted to it pursuant to this section, the
22 board may impose such reasonable terms and conditions
23 as it deems appropriate in order to carry out the
24 purposes of this chapter. The board may approve no
25 application unless it finds that the proposal is in
26 conformance with standards set forth in subsection 4.
27 In all cases, the burden shall be upon the applicant
28 to demonstrate that the criteria for approval are
29 satisfied.

30 6. Limitations, expiration and revocation of ap-
31 proval. Board authorization, pursuant to this sec-
32 tion, shall permit only the arrangement and construc-
33 tion set forth in the approval as issued. Any change
34 in use, arrangement or construction shall be consid-
35 ered a violation of this chapter and punishable as
36 provided in this chapter.

37 A violation of any condition attached by the board
38 approval or permit, or any change in use, arrangement
39 or construction from that approval shall, in addition
40 to any other penalties or remedies prescribed in this

1 section, constitute grounds for the revocation or
2 suspension of this approval.

3 7. Coordination with other land use permits. The
4 board shall coordinate its procedures for permit ap-
5 plications with those established relative to Title
6 38, sections 481 to 489. These procedures shall, to
7 the extent practicable, ensure the coordination of
8 time schedules, application forms and similar re-
9 quirements so as to reduce delay and duplication of
10 effort by applicants and the issuing agencies. The
11 Board of Environmental Protection and the Maine Land
12 Use Regulation Commission shall cooperate with the
13 board in the development and effectuation of those
14 coordination procedures.

15 8. Enforcement of permits. The Agricultural
16 Lands Protection Board shall be responsible for the
17 enforcement of permits and standards established pur-
18 suant to this section.

19 Any development which is operated or constructed
20 which does not conform with this chapter, the stan-
21 dards, rules, regulations and permits enacted or is-
22 ssued pursuant to this chapter, and any real estate or
23 personal property existing in violation of this sec-
24 tion, shall be a nuisance. For the purposes of in-
25 spection and to assure compliance with standards, or-
26 ders and permits issued or adopted by the board, au-
27 thorized staff or consultant personnel may conduct
28 these investigations, examinations, tests and site
29 evaluations deemed necessary to verify information
30 presented to the board and may obtain access to any
31 lands and structures regulated pursuant to this chap-
32 ter.

33 9. Penalties. A violation of this chapter or the
34 rules promulgated under this chapter is punishable by
35 a fine of up to, but not more than, \$500 for each day
36 of the violation.

37 In addition to the other penalties provided, the
38 board may, in the name of the State, institute any
39 appropriate action, injunction or other proceeding to
40 prevent, restrain, correct or abate any violation of
41 this chapter or rules promulgated under this chapter.
42 This action may include, but is not limited to, pro-

1 ceedings to revoke or suspend any board permit or ap-
2 proval taken either before the board itself, in ac-
3 cordance with Title 5, section 10004, before the Ad-
4 ministrative Court, in accordance with Title 4, sec-
5 tions 1152 to 1157, or, notwithstanding Title 4, sec-
6 tion 1151, subsection 2 or Title 5, section 10051,
7 before the Superior Court, as part of an enforcement
8 action brought by the board.

9 A person who willfully or knowingly falsifies any
10 statement contained in the application required shall
11 be punished by a fine of up to, but not more than,
12 \$500 and may be subject to permit revocation.

13 10. Appeal of board decisions. Persons aggrieved
14 by final actions of the board, with respect to any
15 application for approval of a proposed development,
16 may appeal therefrom in accordance with Title 5,
17 chapter 375, subchapter VII. Persons aggrieved by fi-
18 nal actions of the board, with respect to the adop-
19 tion by the board of any boundary of an agricultural
20 land retention district, may appeal therefrom in ac-
21 cordance with Title 5, section 8058.

22 §362. Restriction of eminent domain

23 Whenever an agency of the State or of any politi-
24 cal subdivision of the State intends to exercise its
25 authority to acquire land, or any interest therein,
26 through eminent domain, in an agricultural land re-
27 retention district, the following shall apply.

28 1. Notification required. The agency shall noti-
29 fy the Agricultural Lands Protection Board, the mu-
30 nicipality and the landowner of its intent. The agen-
31 cy shall invite comments on the proposal from these
32 entities and shall also solicit comment from the pub-
33 lic, in a manner consistent with Title 5, sections
34 8001 to 8059 and shall allow a minimum of 30 days for
35 comment from the date of publishing its notice of in-
36 tent.

37 2. Impact statement. Upon receipt of any nega-
38 tive comment indicating a significant adverse effect
39 on an agricultural land retention district, the agen-
40 cy shall prepare and submit to the Agricultural Lands
41 Protection Board an agricultural impact statement in-

1 dicating the basis for selection of the parcels of
2 land and demonstrating that alternatives, which would
3 not have involved land designated for agricultural
4 land retention, were not economically feasible and
5 otherwise could not reasonably have been selected.

6 3. Standards for restriction of eminent domain.
7 In regard to significant agricultural land, the agen-
8 cy shall not proceed with any acquisition described
9 in this section where a feasible and prudent alterna-
10 tive exists. In regard to important related land, the
11 agency shall not proceed unless:

12 A. The acquisition will not significantly inter-
13 fere with or jeopardize the continuation of agri-
14 cultural use, either on adjoining lands or in the
15 area, or otherwise reduce the agricultural poten-
16 tial in the district; and

17 B. The acquisition is otherwise consistent with
18 plans adopted by the municipality or municipali-
19 ties within which the acquisition is located.

20 4. Judicial review. The agency shall allow a pe-
21 riod of at least 60 days between the issuance of the
22 agricultural impact statement and the initiation of
23 eminent domain proceedings, during which period any
24 interested person or agency may seek judicial review
25 of the determination of the agency.

26 5. Exceptions. This section shall not apply to:

27 A. Any project which is designated by the Gover-
28 nor as an emergency which is immediately necessary
29 for the protection of life or property; or

30 B. Any project for which a permit is required
31 pursuant to section 361.

32 §363. State financial assistance for development
33 projects within agricultural land retention
34 districts

35 1. Agricultural Lands Protection Board approval
36 required. Any agency of the State which intends to
37 advance a grant, loan, interest subsidy or other
38 funds to any local government or any quasi-municipal

1 or public benefit corporation for the construction of
2 dwellings, commercial or industrial facilities, or
3 water or sewer facilities to serve nonfarm structures
4 within an agricultural land retention district shall
5 require approval from the Agricultural Lands Protec-
6 tion Board.

7 2. Notice of intent. At least 30 days prior to
8 granting financial assistance, the agency shall file
9 a notice of intent with the board, containing such
10 information and in such manner and form as the board
11 may require. The notice of intent shall contain a
12 justification of the proposed action, including an
13 evaluation of alternatives which would not require
14 action within the agricultural land retention dis-
15 trict.

16 3. Board action. Upon receipt of the notice, the
17 board shall forward a copy to any state, regional or
18 local agencies it deems appropriate for review and,
19 in consultation with these agencies, shall review the
20 proposed action to determine its effect upon the ag-
21 ricultural resources and operations within the dis-
22 trict. The board shall, within 30 days of receipt of
23 the notice, approve the proposed action, upon such
24 terms and conditions as are appropriate and reason-
25 able, or deny approval, setting forth the reasons
26 therefor, or the board shall issue an order to the
27 state agency directing it not to take action upon the
28 proposed action for an additional 60-day period and
29 shall schedule a hearing thereon in accordance with
30 subsection 4.

31 4. Hearings and procedures. At least 15 days
32 prior to the hearing, notices of the date, time and
33 place of the meeting shall be sent to the agency pro-
34 posing to take the action, the municipalities in
35 which the agricultural land retention district lies
36 and other agencies or entities the board deems appro-
37 priate, and notice shall be posted in a local newspa-
38 per.

39 The board, in accordance with Title 5, chapter 375,
40 subchapter II, shall adopt and may amend and repeal,
41 rules of conduct of hearings and shall make a record
42 of all hearings held pursuant to this section.

1 Within 45 days after the board adjourns any hearing
2 held under this subsection, it shall make findings of
3 fact and issue an order granting or denying approval
4 to the agency for the proposed action or granting the
5 approval upon such reasonable terms and conditions as
6 the board deems appropriate.

7 The board shall not approve any proposed action un-
8 less it finds that the proposal is in conformance
9 with standards set forth in subsection 5.

10 5. Standards for approval. Approval of a pro-
11 posed action to advance a grant, loan, interest sub-
12 sidy or other funds for a project shall be issued on-
13 ly when the project meets the following standards.

14 A. For projects which involve construction of
15 residential, commercial or industrial develop-
16 ments which are not agriculturally related and
17 which are within an agricultural land retention
18 district, the standards set forth under section
19 361, subsection 4, must be met.

20 B. For projects which are water or sewer facili-
21 ties to serve nonfarm structures within an agri-
22 cultural land retention district:

23 (1) The standards set forth under section
24 361, subsection 4, must be met; and

25 (2) The agency must demonstrate by a pre-
26 ponderance of evidence that the water or
27 sewer facilities or any development which
28 may result from the presence of these facil-
29 ities will not significantly reduce the ag-
30 ricultural potential of the district or
31 jeopardize the continuation of agricultural
32 uses within the district and will be con-
33 sistent with plans adopted by the
34 municipality or municipalities affected.

35 In all cases, the burden shall be upon the applicant
36 to demonstrate that the standards for approval are
37 satisfied.

38 6. Conditional approval. In approving the pro-
39 posed action, the board may impose whatever reason-
40 able terms and conditions it deems appropriate.

1 7. Exceptions. This section shall not apply to
2 funding of any projects for which a permit is re-
3 quired pursuant to section 361.

4 §364. Interim provisions

5 Beginning August 1, 1985, and during the time al-
6 lotted for the establishment of agricultural land re-
7 tion districts, section 361 shall apply in the
8 case of proposed developments subject to the site lo-
9 cation of development law, Title 38, sections 481 to
10 490. Section 362 shall apply in the case of proposed
11 eminent domain proceedings and section 363 shall ap-
12 ply to proposed state assistance in funding any de-
13 velopment when such proposed actions or development
14 resulting from the proposed actions includes a parcel
15 of land which meets the following criteria:

16 A. The parcel has been managed, during 3 of the
17 5 calendar years preceding January 1, 1985, as
18 part of a farm operation that produced agricul-
19 tural products for sale which resulted in \$10,000
20 or more in annual gross receipts;

21 B. Fifty percent or more of the parcel is com-
22 prised of soils classified as prime or unique ac-
23 ording to the standards of the United States
24 Soil Conservation Service, pursuant to the Code
25 of Federal Regulations, Title 7, §657.5 (a) and
26 (b), and the parcel is at least 10 acres in size;
27 or

28 C. The parcel affected lies wholly or partially
29 within 1/4 mile of a parcel which meets the cri-
30 teria set forth under paragraph B.

31 Sec. 2. 38 MRSA §483, sub-§2, as amended by PL
32 1983, c. 453, §6, is further amended to read:

33 2. Application. Any person intending to con-
34 struct or operate a development shall, before com-
35 mencing construction or operation, notify the depart-
36 ment in writing of his intent and of the nature and
37 location of the development, together with other in-
38 formation as the board may by regulation require. The
39 board or the commissioner shall coordinate its appli-
40 cation procedures with those of the Agricultural

1 Lands Protection Board. Upon receipt of a completed
2 application, the board shall notify the Agricultural
3 Lands Protection Board and shall, within 30 days of
4 receipt of the notification, either approve the pro-
5 posed development, upon such terms and conditions as
6 are appropriate and reasonable or disapprove the pro-
7 posed development setting forth the reasons therefor
8 or schedule a hearing thereon in the manner hereinaf-
9 ter provided.

10 Any person as to whose development the board has is-
11 sued an order without a hearing may request, in writ-
12 ing, within 30 days after notice of the board's deci-
13 sion, a hearing before the board. This request shall
14 set forth, in detail, the findings and conclusions of
15 the board to which that person objects, the basis of
16 the objections and the nature of the relief re-
17 quested. Upon receipt of the request, the board shall
18 schedule and hold a hearing limited to the matters
19 set forth in the request. Hearings shall be scheduled
20 in accordance with section 484.

21 Sec. 3. 38 MRSA §634, sub-§3, as enacted by PL
22 1983, c. 458, §18, is amended to read:

23 3. Application review. Within 10 working days
24 of receiving a completed application, the Commission-
25 er of Environmental Protection or the Director of the
26 Maine Land Use Regulation Commission, as appropriate,
27 shall notify the applicant of the official date on
28 which the application was accepted.

29 The commissioner or the director, as appropriate,
30 shall circulate the application among the Department
31 of Environmental Protection, Department of Conserva-
32 tion, Department of Inland Fisheries and Wildlife,
33 Department of Marine Resources, Department of Trans-
34 portation, Maine Historic Preservation Commission,
35 Office of Energy Resources, Public Utilities Commis-
36 sion, Agricultural Lands Protection Board and the
37 municipal officials of the municipality in which the
38 project is located. The Office of Energy Resources
39 and the Public Utilities Commission shall submit
40 written comments on section 636, subsection 7, para-
41 graph F. The Agricultural Lands Protection Board
42 shall submit written comments on section 636, subsec-
43 tion 7, paragraph G. For projects within the juris-

1 diction of the Maine Land Use Regulation Commission,
2 the director may request and obtain technical assist-
3 ance and recommendations from the staff of the de-
4 partment. The department shall respond to the re-
5 quests in a timely manner. The department's recom-
6 mendations shall be considered by the commission in
7 acting upon a project application.

8 Sec. 4. 38 MRSA §636, sub-§7, ¶¶E and H, as en-
9 acted by PL 1983, c. 458, §18, are amended to read:

10 E. Whether the project will result in signifi-
11 cant flood control benefits or flood hazards; ~~and~~

12 F. Whether the project will result in signifi-
13 cant hydroelectric energy benefits, including the
14 increase in generating capacity and annual energy
15 output resulting from the project, and the amount
16 of nonrenewable fuels it would replace; and

17 Sec. 5. 38 MRSA §636, sub-§7, ¶G is enacted to
18 read:

19 G. Whether the project will significantly reduce
20 the agricultural use or potential of any agricul-
21 tural land retention district as defined pursuant
22 to Title 12, chapter 101, subchapter 4.

23 STATEMENT OF FACT

24 This bill establishes a new state program to ad-
25 dress the need to protect Maine's limited agricultur-
26 al land base. It includes a statement of policy to
27 ensure the availability of productive agricultural
28 land for existing and future agricultural production
29 needs. It creates an Agricultural Lands Protection
30 Board to work with local agencies to establish agri-
31 cultural land retention districts. The Agricultural
32 Lands Protection Board will review developments pro-
33 posed within those districts which presently require
34 a site location of development permit or which have
35 received funding assistance through the State. The
36 bill also requires agencies proposing to take land
37 within these districts by eminent domain to demon-
38 strate a lack of alternative sites.

1 Maine and New England contain only 1% of the
2 nation's farmland and 5% of the United States popula-
3 tion. As a region, and as a state, we are
4 "land-short" relative to our food production needs
5 with the result that New England imports over 70% of
6 total food needs. The future availability of food
7 from the nation's major agricultural regions in the
8 west is threatened by increasing competition for and
9 declining supplies of groundwater needed for irriga-
10 tion, rising transportation costs and uncertainties
11 in predicted long-term climatic changes.

12 Agriculture is an important source of economic
13 activity in Maine, contributing substantially to the
14 overall economy and strengthening its rural areas and
15 rural quality of life. It is rational and responsible
16 to plan for the protection of agricultural land which
17 may become an even more significant economic resource
18 in the future.

19 The bill identifies the following problems relat-
20 ed to farmland loss.

21 1. Farmland loss. Maine has been steadily losing
22 farms and farmland. Between 1945 and 1982, the
23 state's agricultural land base was reduced by 2/3.

24 2. Abandonment and conversion. The loss of agri-
25 cultural land has been caused by economic pressures
26 leading to abandonment and conversion to other uses.
27 Conversion accounts for an estimated 30% of farmland
28 loss and is a serious concern because it is
29 irreversible.

30 3. Parcelization. Division of farm units follow-
31 ing abandonment into 10-acre or 20-acre parcels for
32 primary and secondary home sites and woodlots effec-
33 tively removes the land from viable agricultural ac-
34 tivity and represents another form of conversion.

35 4. Leased land and rising land prices. Since
36 1950, the portion of cropland in the State which is
37 rented had increased from 14% to 31%. This is indica-
38 tive of a subtle development pressure in the form of
39 land speculation which increases the cost of land to
40 farmers and which places Maine farmers and farmland
41 at risk.

1 5. Critical mass. Loss of agricultural land is
2 accelerated when agricultural activity in an area is
3 reduced below the level necessary to support the
4 businesses which supply inputs to farming, such as
5 feed mills, farm supply stores and farm equipment
6 dealers, as well as markets for farm products such as
7 wholesale dealers and food processing industries.

8 Program elements are as follows:

9 1. State policy. Proposed Title 12, chapter 101,
10 establishes a state policy to ensure an adequate and
11 affordable supply of productive agricultural land to
12 meet the needs of existing and future agricultural
13 operations. It further addresses the need to protect
14 viable agricultural land from conversion to develop-
15 ment, the need to avoid incompatible uses in farming
16 areas and the need to enhance the economic viability
17 of agriculture.

18 2. The Agricultural Lands Protection Board. Pro-
19 posed Title 12, chapter 101, creates an Agricultural
20 Lands Protection Board within the Department of Agri-
21 culture, Food and Rural Resources. The Agricultural
22 Lands Protection Board consists of 7 voting members
23 in addition to the Commissioner of Agriculture, Food
24 and Rural Resources and the chairman of the State
25 Soil and Water Conservation Commission. There are 5
26 other members who are nominated by the Governor and
27 subject to confirmation by the Legislature: Two far-
28 mers, a municipal official, one person representing
29 regional planning agencies and one representative of
30 the public-at-large.

31 The board is to monitor farmland loss in the State,
32 establish agricultural districts in conjunction with
33 local agencies and review development that now re-
34 quires a site location of development permit, or
35 which is funded through a state agency or which in-
36 volves use of eminent domain.

37 3. Agricultural land retention districts. Pro-
38 posed Title 12, chapter 101, establishes a coordi-
39 nated state and local process to define the state's
40 most important agricultural areas, which will be
41 called agricultural retention districts. Lands in-
42 cluded in these districts will be based on criteria

1 developed by the Agricultural Lands Protection Board
2 and approved by the Legislature. In developing the
3 standards to define these districts, the board will
4 consider such factors as soil types, current agricul-
5 tural uses and the ability of agriculture in the area
6 to support the necessary supply and service
7 infrastructure. Farm land in areas which are not eco-
8 nomically viable for farming will not be included in
9 districts.

10 The Agricultural Lands Protection Board will desig-
11 nate local agencies to propose agricultural districts
12 based on these criteria and will officially adopt the
13 districts through a hearing process. Designated agen-
14 cies could include municipalities, soil and water
15 conservation districts, regional planning agencies or
16 several of these agencies working together.

17 4. Review of large-scale development in dis-
18 tricts. Under the state's site location of develop-
19 ment law, certain types of medium-scale and
20 large-scale development projects currently require
21 state permits from the Department of Environmental
22 Protection. Proposed Title 12, chapter 101, requires
23 an Agricultural Lands Protection Board permit for
24 these medium-scale and large-scale projects if pro-
25 posed within an agricultural land retention district.
26 To receive Agricultural Lands Protection Board ap-
27 proval, the developer would have to show that the
28 proposed project would not significantly reduce the
29 agricultural potential of the parcel or district in-
30 volved, or, if it does, that continued agricultural
31 use of the parcel would not be viable and that the
32 project would be planned to minimize its effect on
33 agricultural activity in the rest of the district.

34 5. Restriction of eminent domain in districts.
35 Proposed Title 12, chapter 101, requires that an im-
36 pact statement be filed with the Agricultural Lands
37 Protection Board for any eminent domain proceedings
38 proposed within an agricultural land retention dis-
39 trict, demonstrating a lack of alternative suitable
40 sites.

41 6. Review of state financial assistance for devel-
42 opment in districts. The Agricultural Lands Pro-
43 tection Board will have approval authority for devel-

1 opments receiving funding assistance from or through
2 the State which are located in agricultural land re-
3 tention districts.

4 Funding for this bill is provided in the Gover-
5 nor's Part II Budget with \$50,000 in fiscal year 1985
6 to establish the Agricultural Lands Protection Board,
7 to hire a director for the board and for contract
8 services.

9

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