

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2151

H.P. 1576 House of Representatives, January 27, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative BEGLEY of Waldoboro.
Cosponsored by Senator TWITCHELL of Oxford and
Representative PARENT of Benton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT Concerning the Use of Lands Abutting
2 Farmlands.
3

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

6 7 MRSA c. 2-A is enacted to read:

7 CHAPTER 2-A

8 AGRICULTURAL LAND AND ADJACENT DEVELOPMENT

1 §51. Definitions

2 As used in this chapter, unless the context
3 otherwise indicates, the following terms have the
4 following meanings.

5 1. Abutting land. "Abutting land" means real
6 estate which shares a common boundary, or a portion of
7 a boundary, with farmland.

8 2. Agricultural chemicals. "Agricultural
9 chemicals" means fungicides, insecticides, herbicides,
10 pesticides and fertilizers, including lime.

11 3. Application. "Application," with respect to
12 agricultural chemicals, means application of
13 agricultural chemicals to farmland by any method of
14 spray application, whether aerial or ground, including
15 hand-held and portable spray equipment.

16 4. Common boundary. "Common boundary" means a
17 single boundary line which marks both a boundary of
18 farmland and a boundary of abutting land. Where
19 farmland and abutting land are separated by a road,
20 their common boundary shall be the boundary of the
21 farmland.

22 5. Farmland. "Farmland" means any tract or
23 tracts of land, including woodland or wasteland, of at
24 least 10 contiguous acres on which farming or
25 agricultural activities have produced a gross income
26 per year in one of the 2, or 3 of the 5, calendar
27 years preceding the date of application for
28 classification of at least:

29 A. One thousand dollars for 10 acres; and

30 B. One hundred dollars per acre for each acre
31 over 10, with the total income required not to
32 exceed \$2,000.

33 Gross income, as used in this section, includes the
34 value of any commodity produced for consumption by the
35 farm household.

1 6. Inconsistent development on or use of.
2 "Inconsistent development on or use of" means
3 development on or use of land which is:

4 A. Initiated after the effective date of this
5 chapter;

6 B. Within 150 feet of a common boundary between
7 the land in question and farmland on which
8 farmland agricultural chemicals are applied or
9 intended to be applied within one year; and

10 C. A sensitive area.

11 7. Sensitive area. "Sensitive area" means:

12 A. A residential building;

13 B. A school building and any playground, athletic
14 field or other school facility designed for use by
15 children in the vicinity of school buildings;

16 C. A commercial or other building for human use,
17 including, without limitation, places of business,
18 places of worship and other commercial and
19 institutional buildings;

20 D. A recreational area open to public
21 accommodation, including, without limitation,
22 public and commercial campgrounds, picnic areas,
23 roadside rest areas, publicly owned or maintained
24 hiking trails, park and recreation facilities,
25 playgrounds, playing fields and other areas for
26 organized sports or recreation;

27 E. An apiary registered with the Department of
28 Agriculture, Food and Rural Resources pursuant to
29 section 2701;

30 F. A critical area designated by the Board of
31 Pesticides Control pursuant to Title 22, section
32 1471-M, subsection 2;

1 G. A public or private well, drinking water
2 spring and water supply intake point;

3 H. Cultivated land, cropland, gardens or cleared
4 areas where livestock are contained or pastured;

5 I. A right-of-way of any public highway, street,
6 road and other publicly maintained right-of-way; or

7 J. Any area or land defined by rule of the
8 department as a sensitive area.

9 §52. Inconsistent development; continued application
10 of chemicals

11 If the owner of farmland is in compliance with
12 rules promulgated by the Board of Pesticides Control
13 regarding the application of agricultural chemicals on
14 that farmland, that owner may not be required to
15 comply with more stringent rules or rules relating to
16 sensitive areas as a result of inconsistent
17 development on or use of abutting land to that
18 farmland.

19 STATEMENT OF FACT

20 This bill provides that a farmer who is applying
21 agricultural chemicals within the rules of the Board
22 of Pesticides Control cannot be made to adhere to
23 stricter rules because of a subsequent development or
24 use of abutting lands which is inconsistent with that
25 farmland.

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