

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2377

S.P. 911 In Senate, February 26, 1988
Submitted by the Department of Agriculture, Food and Rural
Resources pursuant to Joint Rule 24.
Reference to the Committee on Agriculture suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BLACK of Cumberland.

Cosponsored by Representative SHERBURNE of Dexter,
Representative PARENT of Benton, Senator GOULD of Waldo.

STATE OF MAINE

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

1 AN ACT to Revise the Laws Protecting
2 the Farmers' Right to Farm.
3

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

6 Sec. 1. 17 MRSA §2805, sub-§4, as enacted by PL
7 1981, c. 472, is repealed and the following enacted in
8 its place:

1 4. Application. This section does not affect the
2 application of state and federal statutes. Any
3 ordinance of any unit of local government in effect on
4 or adopted after the effective date of this subsection
5 that would make a farm or farm operation, or an
6 appurtenance to it, a nuisance under the circumstances
7 set forth in this chapter is void.

8 Sec. 2. 17 MRSA §2805, sub-§5 is enacted to
9 read:

10 5. Costs and fees. If the defendant prevails in
11 any nuisance suit brought in which a farm or farm
12 operation is alleged to be a nuisance, the defendant
13 shall recover the aggregate amount of costs and
14 expenses determined by the judge to have been
15 reasonably incurred on his behalf in connection with
16 the defense of that action, together with a reasonable
17 amount for attorney fees.

18 Sec. 3. Appropriation. The following funds are
19 appropriated from the General Fund to carry out the
20 purposes of this Act.

21		<u>1988-89</u>
22	<u>AGRICULTURE FOOD AND RURAL RESOURCES,</u>	
23	<u>DEPARTMENT OF</u>	
24	Positions	(1)
25	Personal Services	\$20,000
26	Capital Expenditures	10,000
27	All Other	<u>500</u>
28	Total	\$30,500

29 Provides funding for a
30 position to determine
31 if generally accepted
32 agricultural practices
33 are being followed
34 when complaints
35 involving nuisances
36 are received and to
37 carry on other related

