

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 286

H.P. 206

House of Representatives, February 21, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSH of West Gardiner.

Cosponsored by Representative WHITCOMB of Waldo, Representative McGOWAN of Canaan and Senator PERKINS of Hancock.

STATE OF MAINE

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

**Resolve, to Study the Development of a Farmland Preservation
Program for Maine.**

(EMERGENCY)



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

5 **Whereas,** farmland in Maine is disappearing at the rate of
69 acres per day; and

7 **Whereas,** the preservation of agricultural open space and
9 the retention of agricultural activities serve the interests of
all citizens of this State by ensuring the social, economic and
11 environmental benefits from a viable agricultural base in Maine;
and

13 **Whereas,** the past and present policies and efforts of this
15 State intended to promote such preservation and retention, while
beneficial and worthy of continuation, have been inadequate to
17 ensure an agricultural land base; and

19 **Whereas,** developing a viable farmland preservation program
for Maine requires adapting that program to conditions and
21 geographic variations within the State; and

23 **Whereas,** several states have existing farmland preservation
programs that Maine can look to as models; and

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

31 **Commission established. Resolved:** That the Commission for
33 Farmland Preservation shall be established.

35 **1. Membership.** The commission shall consist of 17 members
as follows:

37 Two members of the House of Representatives, appointed by
39 the Speaker of the House; 2 Senators, appointed by the President
of the Senate; and 13 public members appointed by the
41 Commissioner of Agriculture, Food and Rural Resources, including
8 active farmers, one real estate appraiser, one representative
43 of a nonprofit agricultural organization, one representative of
an environmental organization, one representative of the
45 Cooperative Extension Service and one representative of a
nonprofit land conservation organization. The Commissioner of
47 Agriculture, Food and Rural Resources shall serve as an
ex-officio member. The public members shall be appointed within
49 10 days of enactment.

51 **2. Meetings; compensation.** The commission shall hold an
organizational meeting at the call of the Commissioner of

1 Agriculture, Food and Rural Resources within 30 days after the
2 effective date of this resolve. At this meeting, the commission
3 shall elect a chair from the membership. The commission shall
4 meet periodically to develop legislative recommendations. Up to
5 3 public hearings will be held statewide to solicit input and
6 comments. Members shall receive reimbursement for expenses for
7 meals and travel and the legislative per diem; and be it further

9 **Report. Resolved:** That this commission shall report its
10 findings, together with any legislative recommendations, to the
11 Second Regular Session of the 114th Legislature not later than
12 January 1, 1990. This report shall outline the commission's
13 research and recommendations on:

15 1. Goals and an effective mechanism for preserving Maine's
16 agricultural land base;

17 2. Suggested criteria to be used for acquiring rights to
18 any farmland within the preservation program;

21 3. The range of restrictions or operating conditions to be
22 put on any rights acquired under the program; and

23 4. Funding mechanisms to finance any recommended program;
24 and be it further

27 **Staff support. Resolved:** That staff support shall be provided
28 through the Department of Agriculture, Food and Rural Resources.
29 If additional support is needed, the commission may request
30 assistance from the Legislative Council; and be it further

31 **Appropriation. Resolved:** That the following funds are
32 appropriated from the General Fund to carry out the purposes of
33 this resolve.

35

1989-90

37

38 **AGRICULTURE, FOOD AND RURAL
39 RESOURCES, DEPARTMENT OF**

40 **Agriculture and Rural Resource
41 Development**

43

44 Personal Services \$2,000

45

46 All Other 22,100

47

48 Provides funds for a
49 consultant to provide staff
50 assistance to the Commission
51 for Farmland Preservation.
Also provides funds for

1 travel, meeting and related
2 per diem expenses of the
3 commission. These funds shall
4 not lapse but shall carry
5 forward until June 30, 1990.

7 **DEPARTMENT OF AGRICULTURE, FOOD AND**
8 **RURAL RESOURCES**
9 **TOTAL**

\$24,100

11 **Emergency clause.** In view of the emergency cited in the
12 preamble, this resolve shall take effect when approved.
13

15 **STATEMENT OF FACT**

17
18 The State is losing farmland at the alarming rate of 69
19 acres per day. To effectively preserve our agricultural base,
20 Maine must develop a viable farmland preservation program.
21 Several states have successful programs; however, they must be
22 adapted to conditions in Maine. Because the issues in farmland
23 preservation are so complex, this resolve proposes the Commission
24 on Farmland Preservation to develop recommendations for the
25 Second Regular Session of the 114th Legislature.