

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 697,
L.D. 949, Bill, "An Act to Clarify the Farmland Adjacency Law"

Amend the amendment by striking out everything after the
title and before the statement of fact and inserting in its place
the following:

'Amend the bill by striking out everything after the
enacting clause and before the statement of fact and inserting in
its place the following:

'Sec. 1. 7 MRSA §41, sub-§§6 and 7, as enacted by PL 1987, c.
650, are amended to read:

6. Responsibility. To recognize the mutual responsibility
of agricultural operators and persons siting nonfarm development
adjacent to farmland to take steps to accommodate each other's
concerns and the public interest; and

7. Public records. For purposes of administering this
~~regulatory~~ program, to create in each municipality a register of
farmland which will provide a public record and enable disclosure
to the public regarding the existence of active farming
operations in the community which may be incompatible with
residential development on lands in the immediate vicinity, ~~and~~ .

Sec. 2. 7 MRSA §41, sub-§8, as enacted by PL 1987, c. 650, is
repealed.

Sec. 3. 7 MRSA §42, sub-§§2 and 5, as enacted by PL 1987, c.
650, are repealed.

Sec. 4. 7 MRSA §43, sub-§§1 and 2, as enacted by PL 1987, c.
650, are amended to read:

1 1. Filing. An owner of farmland may register, in the
2 office of the municipality or municipalities in which the
3 farmland is located, all or any designated portion of the
4 farmland upon which the owner applies or intends to apply
5 agricultural chemicals. The registration shall occur between
6 April 15, 1988, and May 1, 1988, or January 15th and February 1st
7 of 1989, 1990 or 1991. In the event there is no official
8 municipal office, the registration shall take place with the town
9 assessor. In case the farmland is located in the unorganized
10 territory, the registration shall take place in the office of the
11 county in which the farmland is located. A registration made
12 under this chapter remains effective until withdrawn in
13 accordance with subsection 4. A copy of the municipal or county
14 registration and any amendment or withdrawal shall also be
15 recorded in the registry of deeds of the county in which the
16 registered farmland or any abutting property is located.

17
18 2. Contents and purpose. The purpose of a registration is
19 to provide a public record, maintained by each municipality, of
20 the existence of actively used farmland, which will require
21 public disclosure under section 45 and ~~the setback of~~
22 ~~incompatible development under section 46.~~ A registration shall
23 identify the name and address of the landowner, the types of
24 products which are grown on the farmland to be registered, the
25 acreage of farmland to be registered and the gross income of the
26 farmland for each of the previous 5 years. The registration
27 shall include a copy of the municipal tax map, where available,
28 clearly showing the location of the farmland, together with a
29 statement of the tax parcel number or numbers which include the
30 farmland at issue and a copy of the registrant's deed. The
31 registration shall also include the names and addresses of each
32 abutting landowner to whom notice is being sent pursuant to
33 subsection 3. ~~The registration shall further include a statement~~
34 ~~of the owner's intention to apply or permit the application of~~
35 ~~agricultural chemicals upon the registered farmland, together~~
36 ~~with a statement of the type or types of chemicals which will be~~
37 ~~applied.~~ The department shall prepare registration forms
38 including these contents and such other informational
39 requirements as the department deems necessary for the effective
40 operation of this program. These forms shall be used by
41 municipalities and registrants.

42 Sec. 5. 7 MRSA §§46 and 47, as enacted by PL 1987, c. 650, are
43 repealed.

44 Sec. 6. 7 MRSA §48, sub-§2, ¶B, as enacted by PL 1987, c. 650,
45 is repealed.

46 Sec. 7. 7 MRSA §49, as enacted by PL 1987, c. 650, is
47 repealed.

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STATEMENT OF FACT

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This amendment removes any setback requirement and references to use of agricultural chemicals from the agricultural adjacency laws. This amendment retains the registration provisions and disclosure requirements of the current laws.

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Filed by Rep. Gould of Greenville
Reproduced and distributed under the direction of the Clerk of the
House
6/15/89

(Filing No. H-559)