

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1147

H.P. 819

House of Representatives, April 12, 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 McCORMICK of Rockport.

Cosponsored by Representative FARREN of Cherryfield and Senator BRAWN of Knox.

STATE OF MAINE

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

**An Act to Revise the Law Concerning Agricultural Land and Adjacent
Development.**



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 7 MRSA c. 2-A**, as amended, is repealed.

5 **Sec. 2. 7 MRSA c. 2-B** is enacted to read:

7 **CHAPTER 2-B**

9 **FARMLAND AND ABUTTING LAND DEVELOPMENT**

11 **§51. Definitions**

13 As used in this chapter, unless the context otherwise
15 indicates, the following terms have the following meanings.

17 1. **Abutting land.** "Abutting land" means real estate that
19 shares a common boundary, or portion of a boundary, with
21 registered farmland. If a road forms a common boundary with
23 registered farmland, the road shall be considered part of the
25 land adjoining the road opposite the registered farmland and the
27 land opposite the registered farmland will be considered abutting
29 land.

31 2. **Agricultural chemicals.** "Agricultural chemicals" means
33 fungicides, insecticides, herbicides, other pesticides and
35 chemical fertilizers.

37 3. **Farmland.** "Farmland" means any tract or tracts of land,
39 the use of which is commercial farming and which meets both of
41 the following criteria:

43 A. It consists of 5 or more contiguous acres; and

45 B. It has produced a gross income that averages at least
47 \$300 per acre for at least 3 of the previous 5 calendar
49 years.

51 **§52. Registration**

1 1. **Filing.** An owner of farmland shall register, in the
2 office of the county registry of deeds in which the farmland is
3 located, all or any designated portion of the farmland upon which
4 the owner applies or intends to apply agricultural chemicals.
5 The registration must occur between January 15th and February 1st
6 of any year during which the owner of the farmland applies or
7 intends to apply agricultural chemicals. A registration made
8 under this chapter remains effective until withdrawn in
9 accordance with subsection 3. A copy of the county registration
10 and any amendment or withdrawal bearing the certification of a
11 notary public that the copy is a true and accurate copy shall
12 also be recorded and indexed in the Grantor index under the entry
13 "farmland" and filed under "F" in the registry of deeds of the

1 county in which the registered farmland or any abutting property
2 is located.

3
4 2. Contents. A registration must identify the name and
5 address of the landowner and include a copy of the registrant's
6 deed and the book and page of the farmland and any abutting
7 land. The registration must also include the names and addresses
8 of each abutting landowner. The registration shall further
9 include a statement of the owner's intention to apply or permit
10 the application of agricultural chemicals upon the registered
11 farmland. The department shall prepare registration forms
12 including these contents and such other informational
13 requirements as the department deems necessary for the effective
14 operation of this program. These forms shall be used by
15 municipalities and registrants.

16
17 3. Withdrawal from registry. An owner of farmland must
18 withdraw the farmland from registration if it no longer qualifies
19 under this chapter. An owner of registered farmland may withdraw
20 the farmland from registration by filing a written notice of
21 withdrawal in the office of registry of deeds in which the
22 farmland was registered. Amendments or withdrawals of registered
23 land may be made between January 15th and February 1st of any
24 year.

25
26 4. Fees. A county may charge a fee for the filing of
27 registrations that shall not exceed \$25 for each registration.
28 The county may refuse to file a registration until the fee is
29 paid.

30
31 **§53. Proceeding to determine eligibility of farmland for**
32 **registration**

33
34 If a proceeding to determine the eligibility of farmland for
35 registration is initiated, the owner of the farmland shall have
36 the burden of proving to the county that the farmland meets the
37 requirements for registration under this chapter. The
38 proceedings shall be commenced within 90 days after receipt of
39 notice of registration. Farmland registration shall not be
40 effective until 90 days after receipt of notice by the county and
41 abutting owners as required in this chapter or, if review
42 proceedings are initiated under this section, upon the decision
43 of the county upholding the registration.

44
45 **§54. Disclosure required**

46
47 Provided proper notification was given at the time the
48 farmland was first registered, every seller of real estate and
49 every agent of a seller shall disclose in writing in a purchase
50 and sale agreement for the real estate or, if there is no such
51 agreement, prior to the sales transaction, the existence of

1 registered farmland abutting any boundary or portion of a
2 boundary of the real estate offered for sale.

3
4 The existence of the registered farmland shall also be
5 stated on any declaration of value, as provided pursuant to Title
6 36, section 4641-D, covering the transfer of title to abutting
7 land.

8
9 **§55. Development**

10
11 1. Development of abutting land. An owner of abutting land
12 may undertake or allow any development or use of land, subject to
13 the operation of the farm.

14
15 **§56. Enforcement and penalties**

16
17 1. Enforcement. Proceedings to enforce any provision of
18 this chapter may be brought by a municipality, county or any
19 aggrieved person. Such proceedings may be initiated in
20 accordance with the provisions of the Maine Rules of Civil
21 Procedure, Rule 80B, as applicable.

22
23 2. Penalties. Any violation of this chapter is punishable
24 as follows:

25
26 A. Any person who violates any provisions of this chapter
27 shall be subject to the civil penalties and enforcement
28 procedures for land use laws and ordinances in Title 30-A.

29
30
31 **§57. Other laws not affected**

32
33 Nothing in this chapter may affect the legal rights,
34 remedies, or liabilities of persons, arising out of negligence or
35 other wrongful acts or omissions involving the use of pesticides
36 or other agricultural chemicals.

37
38
39 **STATEMENT OF FACT**

40
41 This bill repeals the chapter of law concerning agricultural
42 land and adjacent development and replaces it with new
43 requirements. This bill requires owners of farmland who apply or
44 intend to apply agricultural chemicals, including chemical
45 fertilizers, to their farmland to register at their county
46 registry of deeds office. The purpose of this bill is to notify
47 any person searching the title of abutting land of the existence
48 of an operating farm on the adjacent property.
49