

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2130

H.P. 1545

House of Representatives, January 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Appropriations and Financial Affairs 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 and Representative McGOWAN of Canaan.

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STATE OF MAINE

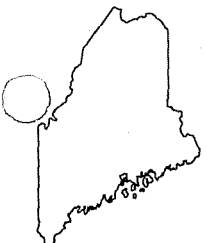
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Purchase the Development Rights to Farmland.

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

4 Sec. 1. 5 MRSA Pt. 15-C is enacted to read:

6 PART 15-C

8 FARMLAND FOR MAINE'S FUTURE

10 CHAPTER 357

12 FARMLAND FOR MAINE'S FUTURE

14 §6401. Farmland for Maine's Future Board

16 The Farmland for Maine's Future Board, as established by  
section 12004-G, is an executive board and is referred to in this  
chapter as the "board."

18 §6402. Farmland for Maine's Future Fund

20 1. Fund established. There is established a fund to be  
known as the Farmland for Maine's Future Fund which is referred  
to in this chapter as the "fund." The fund is to consist of the  
proceeds from the sale of any bonds authorized for the purpose of  
this chapter. The fund must be held separate from all other  
money, funds and accounts. Eligible investment earnings credited  
to the assets of the fund become part of the fund assets. Any  
balance remaining in the fund at the end of the fiscal year  
carries forward for the next fiscal year.

22 2. Fund available. The fund is available to state agencies  
and designated cooperating entities on authorization of the  
Farmland for Maine's Future Board for the purposes identified in  
subsection 3.

24 3. Fund proceeds. The proceeds of the fund may be used to:

26 A. Acquire property or an interest in property which is  
determined by the board to be of state significance under  
the guidelines of this chapter; and

28 B. Fund minor capital improvements on acquired lands for  
improving accessibility provided that these improvements do  
not exceed 5% of the appraised value of the acquired  
property.

30 §6403. Board composition

32 1. Composition. The board shall consist of 9 members.  
Seven members shall be appointed by the Governor, subject to  
review by the joint standing committee of the Legislature having  
jurisdiction over agricultural matters. Five of the appointed

2 members must be from the Department of Agriculture, Food and  
3 Rural Resources, one member must be the Commissioner of  
4 Agriculture, Food and Rural Resources, one member must be the  
5 Treasurer of State, one member must be a person who is  
6 knowledgeable in land appraisal and one member must be a private  
7 citizen.

8 2. Chair. The Chair of the Farmland for Maine's Future  
9 Board shall be appointed by the Governor.

10 **§6404. Board meetings; rules and administrative proceedings**

11 1. Meetings. The board shall meet at least 4 times each  
12 year at the call of the chair.

13 2. Rules. The board, in accordance with section 8052, may  
14 adopt rules for the conduct of its business.

15 3. Compensation. Appointed members are entitled to  
16 compensation equal to legislative per diem and travel expenses  
17 allowed in section 12004-G, subsection 28-A, while engaged in  
18 board activities.

19 4. Quorum. A quorum of the board for the transaction of  
20 business is 6 members.

21 **§6405. Board responsibilities**

22 The purpose of the board is to:

23 A. Select farmland for purchase of development rights;

24 B. Execute purchase of development rights for the State  
25 authorized by the Department of Agriculture, Food and Rural  
26 Resources;

27 C. Prepare and review conditions of agreements for the  
28 purchase of land; and

29 D. Report annually to the Legislature on expenditures of  
30 the fund and revisions to the strategy and guidelines.

31 **§6406. Acquisition criteria**

32 1. Distribution of funds. The board shall authorize the  
33 distribution of funds from the Farmland for Maine's Future Fund  
34 to state agencies and cooperating entities as set forth in  
35 section 6402, subsection 3, for the acquisition of farmlands  
36 meeting the criteria in this chapter.

37 2. Determination of state significance. In determining  
38 whether a proposed acquisition is to be funded in full or in part  
39 the board shall consider the following factors:

by the Farmland for Maine's Future Fund, the board shall consider if the site is of state significance and:

A. The quality of the land regarding production capabilities;

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B. The flexibility of the farm for varying commodities;

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C. The importance and proximity of the farmland to other farms and the farmland's importance to state agriculture;

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D. The pressures of the farmland being sold for development;

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E. If the intended use is consistent with the policies and ordinances of the town; and

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F. The availability of markets and support services.

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3. Nonqualifying expenditures. The board may not fund the purchase of:

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A. Land to be used for residential purposes;

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B. Land that diminishes the agricultural production capability such as mining; and

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C. Land with buildings covering more than 5% of the land area; and

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D. Land without public access as a result of the purchase.

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§6407. Ownership; title; purchase price

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1. Fund; uses. The fund may be used for the acquisition of real property in fee and less than fee-simple interest, including, but not limited to, conservation easements, access easements and other permanent interests in land, provided that those acquisitions are primarily farmlands meeting the criteria set forth in this chapter.

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2. Title. Title to all lands acquired pursuant to this chapter is vested solely in the State.

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3. Purchase price. Appraisals must be made by a licensed real estate appraiser. Appraisals must be submitted, one based on the market value of the property and one based on the farmland value of the property. The appraisals are to be reviewed by the board. The board shall make an offer with consideration to the difference between the appraised fair market value and the farmland value.

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Sec. 2. 5 MRSA §12004-G, sub-§28-A is enacted to read:

<u>28-A. Natural Resources</u>	<u>Farmland for Maine's Future Board</u>	<u>Legislative Per Diem and Expenses for Appointed Members</u>	<u>5 MRSA \$6401</u>
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Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

EXECUTIVE DEPARTMENT

State Planning Office:

Farmland for Maine's Future Board

Personal Services	\$50,000
All Other	15,000
Provides funds for members' per diem and travel and for a senior staff person.	

EXECUTIVE DEPARTMENT TOTAL

\$65,000

STATEMENT OF FACT

This bill creates the Farmland for Maine's Future Board. The purposes of this bill are to preserve sufficient agricultural land and resources to maintain a viable industry; preserve the opportunity to produce food locally for the benefit of the people of Maine; preserve agricultural land for its natural, open space, ecological; and aesthetic value and facilitate the transfer of farms from one generation to another.