

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2182

H.P. 1575

House of Representatives, January 11, 1990

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

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative NUTTING of Leeds.

Cosponsored by Senator BERUBE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Regulate the Handling of Manure.



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

Sec. 1. 17 MRSA §2701-B is enacted to read:

§2701-B. Action against improper manure handling

The Commissioner of Agriculture, Food and Rural Resources shall investigate complaints of improper manure handling including, but not limited to, complaints of improper storage or spreading of manure. If the commissioner is able to identify the source or sources of the manure and has reason to believe that the manure is a nuisance and the nuisance is caused by the use of other than best management agricultural practices for handling manure, the commissioner shall:

1. Findings. Determine the changes needed in manure handling to comply with best management agricultural practices;

2. Conformance. Require the person responsible to abide by the necessary changes determined in subsection 1 and determine if the changes have been made; and

3. Report. Give the written findings of the initial investigation and any determination of compliance to the complainant and the person responsible.

If the person responsible does not adopt best management agricultural practices, the commissioner shall send a copy of the written report to the Department of Environmental Protection and refer the matter in writing to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under this chapter. If the commissioner, upon investigation, finds that the person responsible for the manure is following best management agricultural practices, the commissioner shall advise the complainant and the person responsible in writing.

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

Sec. 2. Sunset. This Act is repealed January 1, 1992.

STATEMENT OF FACT

This bill establishes the improper handling of manure as a nuisance and establishes a process for the Department of Agriculture, Food and Rural Resources to ensure compliance with erosion control plans.

2 Section 1 establishes a process by which an individual may
3 complain about improper manure handling to the Department of
4 Agriculture, Food and Rural Resources. The department would
5 investigate the complaint, determine if best management
6 agricultural practices are being followed and obtain an agreement
7 with the person responsible for changes in manure handling
8 practices when appropriate. If the person responsible for the
9 nuisance does not change unacceptable practices, the department
10 will refer the matter to the Attorney General.

11 Section 2 of this bill repeals this process of investigating
12 complaints of improper manure handling on January 1, 1992.