

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 97

H.P. 69

House of Representatives, December 31, 1990

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Southwest Harbor.

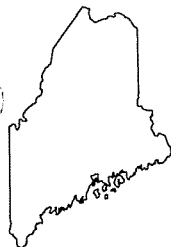
Cosponsored by Representative LOOK of Jonesboro and Representative DUFFY of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Promote Cranberry Cultivation in Maine.

(EMERGENCY)



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

Whereas, to strengthen and diversify the agricultural industry in the State it is vitally important that the growing of cranberries and other wetland crops be authorized and encouraged; and

Whereas, enactment of this legislation as an emergency measure is necessary so that it may take effect prior to the beginning of the growing season for cranberries and other wetland crops; and

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

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

Sec. 1. 38 MRSA §480-Q, sub-§6, as enacted by PL 1987, c. 809, §2, is amended to read:

6. **Agricultural activities.** Draining a freshwater wetland for the purpose of growing agricultural products, including cranberries and other wetland crop species, is exempt from the provisions of this article. This exemption applies only as long as the land is being used for growing agricultural products;

Sec. 2. 38 MRSA §480-Q, sub-§10, as repealed and replaced by PL 1989, c. 878, Pt. A, §112, is amended to read:

10. **Aquaculture.** Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, building or altering docks or filling of wetlands, are not exempt from the provisions of this article; and

Sec. 3. 38 MRSA §480-Q, sub-§11, as enacted by PL 1989, c. 878, Pt. A, §113, is amended to read:

11. **Soil evaluation.** Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article provided that no area of wetland vegetation is destroyed or permanently removed; and

2
4
6
8
10
12
14
16
18
20
22
24
26
28

Sec. 4. 38 MRSA §480-Q, sub-§12 is enacted to read:

12. Cranberry cultivation. Filling a freshwater wetland for the purpose of growing cranberries or other wetland crop species and constructing appurtenant facilities relating to these agricultural activities, such as ponds, berms, dikes and other water-control structures, is exempt from the provisions of this article. This exemption applies only as long as the land is being used for growing cranberries or other wetland crop species.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill seeks to strengthen and diversify the agricultural industry in the State by reestablishing cranberry cultivation. To encourage redevelopment of the cranberry industry, this bill exempts from the natural resources protection law permitting requirements the filling of wetlands for the purpose of cranberry cultivation or cultivation of other wetland crop species such as rice. This exemption reflects the fact that cultivation of cranberries and other wetland crop species results in no net loss of wetland area and may, in many instances, increase and enhance wetland areas and wetland functions.