

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 747

H.P. 519

House of Representatives, February 21, 1991

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 STEVENS of Bangor.

Cosponsored by Representative HOGLUND of Portland and Representative GOULD of Greenville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Amend the Agricultural Activities Exemption under the
Natural Resources Protection Act.**

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

4 Sec. 1. 38 MRSA §480-B, sub-§7-A' is enacted to read:

6 7-A. Prior converted cropland. "Prior converted cropland"
8 means wetlands that were drained or otherwise physically altered
10 to remove excess water from the land and cropped before December
12 23, 1985 to the extent that the land no longer exhibits important
14 wetland values.

16 Sec. 2. 38 MRSA §480-Q, sub-§6, as enacted by PL 1987, c. 809,
18 §2, is repealed and the following enacted in its place:

20 6. Agricultural activities. Draining prior converted
22 cropland and continued growing of agricultural products on the
24 cropland are exempt from the provisions of this article until
26 agricultural activities are abandoned. An area of cropland is
28 considered abandoned if for 5 consecutive years there has been no
30 cropping, management or maintenance activities related to
32 agricultural production on that area.

24 STATEMENT OF FACT

26 This bill clarifies the present exemption under the Maine
28 Revised Statutes, Title 38, section 480-Q, subsection 6 to
30 specify that drainage of freshwater wetlands is exempt only as it
32 relates to prior converted cropland, which is defined in
34 accordance with the United States Soil Conservation Service under
Section 512.16 of the National Food Security Act Manual, June
1990 and confirm the period after which the exemption does not
apply due to cessation of agricultural activities. This bill
allows a resting period following more intensive agricultural
activities without loss of exemption.