

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 855

S.P. 317

Received by the Secretary, February 26, 1991

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FOSTER of Hancock

Cosponsored by Representative LORD of Waterboro, Senator VOSE of Washington and Representative DUFFY of Bangor.

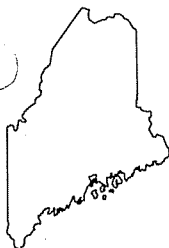
STATE OF MAINE

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

An Act Promoting Cranberry Cultivation in Maine.

(EMERGENCY)

Printed on recycled paper



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

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

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

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

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

22 **Sec. 1. 38 MRSA §480-Q, sub-§6,** as enacted by PL 1987, c. 809,
24 §2, is amended to read:

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

32 **Sec. 2. 38 MRSA §480-Q, sub-§10,** as repealed and replaced by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

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

40 **Sec. 3. 38 MRSA §480-Q, sub-§11,** as enacted by PL 1989, c.
42 878, Pt. A, §113, is amended to read:

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

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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 the growing of 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 the filling of wetlands for the purpose of cranberry cultivation or cultivation of other wetland crop species such as rice from the permitting requirements under the natural resources protection laws. 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.