

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 920,
L.D. 1317, Bill, "An Act to Revise the Law Protecting Farmers'
Rights to Farm"

Amend the amendment by inserting after the first paragraph
after the title the following:

'Further amend the bill by striking out all of section 2 and
inserting in its place the following:

'Sec. 2. 17 MRSA §2805, sub-§2, as enacted by PL 1981, c. 472,
is amended to read:

2. **Best management practices.** A farm or farm operation
shall may not be considered a public or private nuisance if the
farm or farm operation alleged to be a nuisance conforms to
~~generally-accepted-agricultural~~ best management practices, as
determined by the Commissioner of Agriculture, Food and Rural
Resources in accordance with the Maine Administrative Procedure
Act, Title 5, chapter 375.

Sec. 3. 17 MRSA §2805, sub-§4, as enacted by PL 1981, c. 472,
is repealed and the following enacted in its place:

4. Application: municipal ordinances. This section does
not affect the application of state and federal laws. After the
effective date of this subsection, a municipality must provide
the Commissioner of Agriculture, Food and Rural Resources with a
copy of any proposed ordinance that impacts farm operations. The
clerk of the municipality or a municipal official designated by
the clerk shall submit a copy of the proposed ordinance to the
commissioner at least 90 days prior to the meeting of the
legislative body or public hearing at which adoption of the
ordinance will be considered. The commissioner shall review the
proposed ordinance and advise the municipality if the proposed
ordinance would restrict or prohibit the use of best management
practices. This subsection does not affect municipal authority
to enact ordinances.'

2 Further amend the amendment in section 3 by striking out all
of subsection 7 (page 2, lines 14 to 17 in amendment).

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6 Further amend the amendment by renumbering the subsections
to read consecutively.

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STATEMENT OF FACT

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12 This amendment clarifies the language in the original bill
pertaining to review of proposed municipal ordinances by the
Commissioner of Agriculture, Food and Rural Resources. Only
14 ordinances proposed after the effective date of this amendment
must be submitted to the commissioner. This amendment does not
16 affect a municipality's authority to enact ordinances.

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This amendment strikes language in the committee amendment
relating to awarding of costs in nuisance suits.

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Filed by Rep. Tardy of Palmyra
Reproduced and distributed under the direction of the Clerk of the
House
(5/30/91) (Filing No. H-503)