

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1497

H.P. 1066

House of Representatives, February 25, 1999

**An Act Authorizing the Maine Land Use Regulation Commission to
Regulate Industrialized Farms within Unorganized and Deorganized Areas.**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator: PARADIS of Aroostook.

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

Sec. 1. 7 MRSA §4205, sub-§3 is enacted to read:

3. Industrialized farms within jurisdiction of the Maine Land Use Regulation Commission. Notwithstanding this section, the Maine Land Use Regulation Commission may regulate a livestock operation that is an industrialized farm as defined in Title 12, section 682, subsection 19.

Sec. 2. 7 MRSA §4206, as enacted by PL 1997, c. 642, §2, is repealed.

Sec. 3. 12 MRSA §682, sub-§19 is enacted to read:

19. Industrialized farm. "Industrialized farm" means a farm owned by a corporation organized under the laws of any state of the United States or any country that is not a family farm corporation as defined in Title 10, section 963-A, subsection 16. "Industrialized farm" includes a family farm corporation when the farm is a livestock operation and livestock is owned by a corporation or produced under contract for a corporation that is not a family farm corporation.

Sec. 4. 12 MRSA §685-A, sub-§5, as amended by PL 1997, c. 642, §3, is further amended to read:

5. Considerations, application and exemptions. A land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard. Year-round and seasonal single residences and operating farms in existence and use as of September 23, 1971, while so used, and new accessory buildings or structures or renovations of the buildings or structures that are or may be necessary to the satisfactory and comfortable continuation of these residential and farm uses are exempt from the requirements of section 685-B, subsection 1.

Land use standards adopted pursuant to this chapter for management districts may not limit the right, method or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings and other structures used primarily for agricultural or commercial forest product purposes, including tree farms. Notwithstanding this subsection, a permit from the commission is required for roads covering a ground area of 3 acres or more constructed in management districts, unless those roads are constructed and maintained in accordance with the guidelines of the commission's Land Use Handbook, Section 6,

2 "Erosion Control on Logging Jobs," or as revised. The commission
may require a person constructing a road to notify the commission
4 of the location of the road within 21 days. ~~Notwithstanding this~~
~~subsection, the commission may adopt rules in accordance with~~
6 ~~Title 7, section 4206 to regulate large concentrated animal~~
~~feeding operations.~~

8 Land use standards adopted pursuant to this chapter must
establish a minimum setback of 100 feet for all structures within
10 a commercial sporting camp complex that are constructed solely
for the housing of guests, including structures within a main
12 sporting camp complex and an outpost camp. The standards must
establish a minimum setback of 150 feet for all other structures
14 within a sporting camp complex, including, but not limited to, a
main lodge, a dining area, a workshop and a parking area.

16 In adopting district boundaries and land use standards, the
18 commission shall give consideration to public and private
planning reports and other data available to it, and shall give
20 weight to existing uses of land and to any reasonable plan of its
owner as to its future use.

22 A permit from the commission is not required for the repair or
24 maintenance of county-owned roads, bridges or culverts as long as
the repair or maintenance is conducted in accordance with
26 commission standards that pertain to these activities.

28 **Sec. 5. 12 MRSA §685-A, sub-§5-A is enacted to read:**

30 **5-A. Regulation of industrialized farms.** Notwithstanding
32 subsection 5, the commission may require a permit or otherwise
regulate the location and operation of an industrialized farm in
34 management districts. The commission may adopt rules in
accordance with Title 5, chapter 375 to establish standards and a
36 permitting process for industrialized farms. Rules adopted in
accordance with this subsection are routine technical rules as
38 defined in Title 5, chapter 375, subchapter II-A.

40 SUMMARY

42 This bill authorizes the Maine Land Use Regulation
Commission to regulate agriculture in management districts if it
44 meets the definition of an industrialized farm.