

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 584

S.P. 165

In Senate, February 6, 2001

An Act to Encourage Agricultural Development.

Reference to the Committee on Natural Resources 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 KILKELLY of Lincoln.
Cosponsored by Representative McKEE of Wayne and
Senators: KNEELAND of Aroostook, NUTTING of Androscoggin, Representatives: CARR
of Lincoln, FOSTER of Gray, GOOLEY of Farmington, HAWES of Standish, JODREY of
Bethel, LUNDEEN of Mars Hill.

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

3 **Sec. 1. 38 MRSA §482, sub-§6, ¶B,** as amended by PL 1993, c.
4 383, §18 and affected by §42, is further amended to read:

5 B. Buildings, parking lots, roads, paved areas, wharves or
6 areas to be stripped or graded and not to be revegetated
7 that cause a total project to occupy a ground area in excess
8 of 10 acres for agricultural projects or in excess of 3
9 acres for other projects. Stripped or graded areas that are
10 not revegetated within a calendar year are included in
11 calculating the 3-acre applicable acreage threshold.

12 **Sec. 2. 38 MRSA §488, sub-§17,** as amended by PL 1997, c. 393,
13 Pt. A, §45, is further amended to read:

14 **17. Structure area within residential lots.** Buildings,
15 roads, paved areas or areas to be stripped or graded and not
16 revegetated that are located within lots used solely for
17 single-family residential housing are not counted toward the
18 3-acre applicable acreage threshold described in section 482,
19 subsection 6, paragraph B for purposes of determining
20 jurisdiction. A road associated only with such lots is also not
21 counted toward the 3-acre applicable acreage threshold. For
22 purposes of this subsection, "single-family residential housing"
23 does not include multi-unit housing such as condominiums and
24 apartment buildings.

25 **Sec. 3. Rulemaking.** The Board of Environmental Protection
26 shall adopt rules defining the term "agricultural projects" for
27 the purposes of the site location of development laws under the
28 Maine Revised Statutes, Title 38, chapter 3, subchapter 1,
29 article 6. That definition may not be adopted without the prior
30 approval of the Commissioner of Agriculture, Food and Rural
31 Resources. Rules adopted pursuant to this section are routine
32 technical rules pursuant to Title 5, chapter 375, subchapter II-A
33 and must be adopted within 180 days after the effective date of
34 this Act.

35 **SUMMARY**

36 This bill exempts agricultural projects smaller than 10
37 acres from the site location of development laws. The Board of
38 Environmental Protection is directed to adopt routine technical
39 rules to define what constitutes an agricultural project under
40 the site location of development laws. The board is prohibited
41 from adopting a definition of "agricultural project" without the
42 prior approval of the Commissioner of Agriculture, Food and Rural
43 Resources.