

# 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)



# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

---

Legislative Document

No. 1803

S.P. 720

In Senate, December 30, 2005

### **An Act To Create a Maine Agricultural Water Source Development and Management Program**

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WESTON of Waldo.

Cosponsored by Senator: RAYE of Washington, Representative: CARR of Lincoln.

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

4  
6           **Whereas,** the Legislature declares its intent that the State  
plan, regulate and control the prudent use of the waters of the  
State under the laws of Maine to protect the public health,  
8 safety and welfare; and

10           **Whereas,** the Legislature finds that the use of water  
resources of the State for agricultural purposes is of vital  
12 importance to the public health, safety, food security and  
economic well-being of the State; and

14           **Whereas,** the use of water resources during drought  
16 conditions may interfere with public and private rights and may  
cause severe economic damage to agriculture; and

18           **Whereas,** the wise use of water resources, the protection of  
20 stream flows and the economic well-being of the State will be  
furthered by the proper development and use of sustainable water  
22 sources; and

24           **Whereas,** the wise use of water resources, the protection of  
stream flows and the economic well-being of the State will also  
26 be served by a program providing incentives to ensure that  
certain agricultural lands are not injured by drought; and

28           **Whereas,** the health, safety and food security of the people  
30 of the State require adequate and affordable local agricultural  
products and services from Maine farmers; and

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

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

40           **Sec. 1. 5 MRSA §12004-G, sub-§3-D** is enacted to read:

42                   **3-D.**           Maine           Expenses           38 MRSA  
44           Agriculture   Agricultural   Only           §450-A  
                                  Water  
46                                   Management  
                                  Board

48           **Sec. 2. 7 MRSA §351,** as enacted by PL 2005, c. 150, §2, is  
50 amended to read:

2       **§351. Agricultural Water Management and Irrigation Fund**

4           **1. Fund; established.** The Agricultural Water Management  
6       and Irrigation Fund, referred to in this chapter as "the fund,"  
8       is established as a nonlapsing fund in the Department of  
10       Agriculture, Food and Rural Resources. The ~~commissioner~~ board  
12       may accept money for the fund from any public or private source  
14       and make expenditures from the fund for the purpose of improving  
16       the use of irrigation in agriculture and the use of water  
18       resources in animal agriculture.

20           **2. Administration.** The ~~commissioner~~ board shall administer  
22       the fund.

24           **3. Rulemaking.** The ~~commissioner~~ board shall adopt rules to  
26       carry out the purposes of this section. Rules adopted pursuant  
28       to this subsection are routine technical rules as defined in  
30       Title 5, chapter 375, subchapter 2-A.

32           **4. Report.** The ~~commissioner~~ board shall submit an annual  
34       report on March 1st to the joint standing committee of the  
36       Legislature having jurisdiction over agricultural matters. The  
38       report must include a summary of money available in the fund, the  
40       use of the fund and the status of agricultural irrigation in the  
42       State.

44           **Sec. 3. 7 MRSA §352** is enacted to read:

46       **§352. Agricultural water management program**

48           **1. Definitions.** As used in this chapter, unless the  
50       context otherwise indicates, the following terms have the  
52       following meanings.

54           A. "Agricultural water use management plan" means a written  
56       document that outlines how farm water is stored, managed and  
58       used on the farm for which the plan is written.

60           B. "Board" means the Maine Agricultural Water Management  
62       Board, established in Title 5, section 12004-G, subsection  
64       3-D.

66           **2. Duties of the commissioner.** The commissioner shall  
68       implement a program to promote responsible development and use of  
70       farm water sources in accordance with this chapter. The  
72       commissioner has the powers and duties as established in this  
74       section and shall oversee the board.

2 3. Agricultural water use management plans. In accordance  
4 with Title 5, chapter 375, the board shall adopt rules to  
6 establish minimum requirements for agricultural water use  
8 management plans, processes for review of the agricultural water  
10 use management plans and for periodic revisions to agricultural  
12 water use management plans and methods to determine compliance  
with agricultural water use management plans. Rules adopted  
pursuant to this subsection are routine technical rules as  
defined in Title 5, chapter 375, subchapter 2-A. The board shall  
maintain a list of farms that have agricultural water use  
management plans based on the farms registered pursuant to  
subsection 5.

14 4. Educational outreach. The commissioner shall conduct an  
16 educational outreach program for the agricultural community to  
18 increase awareness of the provisions of this chapter and the need  
20 for water management planning. The commissioner shall inform the  
public about water-related issues and the department's efforts to  
address water-related issues.

22 5. Agricultural water use management plan required. A  
24 person who owns or operates a farm concerning which a verified  
26 complaint of improper agricultural water use has been registered  
28 with the department shall develop an agricultural water use  
management plan for that farm and shall implement the provisions  
in that plan. The agricultural water use management plan must  
address the storage of water and utilization of all farm water  
sources to be used.

30 **Sec. 4. 38 MRSA c. 3, sub-c. 1, Art. 2-C is enacted to read:**

32 **ARTICLE 2-C**

34 **MAINE AGRICULTURAL WATER MANAGEMENT BOARD**

36 **§450-A. Maine Agricultural Water Management Board**

38 1. Membership. The Maine Agricultural Water Management  
40 Board, as established by Title 5, section 12004-G, subsection 3-D  
and referred to in this article as "the board," consists of 5  
members, who must be residents of the State.

42 2. Terms. The first board is appointed by the Commissioner  
44 of Agriculture, Food and Rural Resources. The terms of the first  
46 board are governed by Title 35-A, section 6410, subsection 4.  
After the first appointment of the first board, members are  
appointed for 3-year terms.

48 3. Compensation. Board members are compensated in  
50 accordance with Title 5, chapter 379.

