

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION-2007

Legislative Document

No. 1713

H.P. 1196

House of Representatives, March 23, 2007

**Resolve, Directing the Department of Agriculture, Food and Rural
Resources To Implement a Pilot Program To Preserve Agricultural
Land**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOLMAN of Fayette.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: Speaker CUMMINGS of Portland, FLOOD of Winthrop, MAREAN of
Hollis, MILLETT of Waterford, PIEH of Bremen, PIOTTI of Unity, WEBSTER of Freeport,
Senator: HASTINGS of Oxford.

1 **Sec. 1. Pilot program to preserve agricultural land. Resolved:** That the
2 Department of Agriculture, Food and Rural Resources, referred to in this resolve as “the
3 department,” shall establish a 5-year pilot program, referred to in this resolve as “the pilot
4 program,” that is designed to discourage commercial and residential development outside
5 of growth areas established by municipalities and to encourage farmers to defer
6 development of actively productive farmlands through the purchase of limited-term deed
7 restrictions; and be it further

8 **Sec. 2. Selection of region or regions. Resolved:** That the department shall
9 select one or more regions of the State to participate in the pilot program. In selecting the
10 region or regions to participate in the pilot program, the department shall select areas in
11 the State:

12 1. That are productive or active agricultural areas; and

13 2. Within which farming is at risk due to nonagricultural development pressures; and
14 be it further

15 **Sec. 3. Implementation of pilot program. Resolved:** That the department
16 shall implement the pilot program within the region or regions selected in accordance
17 with section 2 in accordance with the following.

18 1. A recipient under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter
19 4 of a permit for a subdivision lying outside a municipally established growth area under
20 Title 30-A, chapter 187 shall remit to the department a fee per lot or acre. The Executive
21 Department, State Planning Office shall provide technical assistance to the department on
22 aspects related to locally designated growth areas.

23 2. A recipient under the laws governing the site location of development of a permit
24 for commercial retail development outside a municipally established growth area under
25 Title 30-A, chapter 187 shall remit to the department a fee for each affected acre.

26 3. The department shall establish the Farmland Protection Fund, referred to in this
27 section as “the fund,” as a nonlapsing interest-bearing fund within the department. The
28 fund consists of fees collected by the department pursuant to subsections 1 and 2. Unless
29 otherwise provided for, any funds remaining in the fund at the conclusion of the pilot
30 project lapse to the General Fund.

31 4. The department shall purchase limited-term deed restriction covenants from
32 farmers who agree to not develop the encumbered acreage during the contract period.
33 The department shall establish a mechanism for equitable valuation of the covenants
34 based on actual real estate market conditions. The department shall establish criteria for
35 eligibility for participation in this portion of the pilot program that address the following:

36 A. Any limitations associated with the schedule of productive farmland soils;

37 B. A limit on the percentage of timberland eligible for participation;

38 C. A test of farm enterprise and economic viability; and

1 D. A mechanism to target purchases in geographic areas identified by the department
2 as being at risk due to nonagricultural land development pressures; and be it further

3 **Sec. 4. Initial report. Resolved:** That the Commissioner of Agriculture, Food
4 and Rural Resources shall report to the Joint Standing Committee on Agriculture,
5 Conservation and Forestry no later than January 15, 2008 a description of the pilot
6 program and the scope and status of the pilot program; and be it further

7 **Sec. 5. Annual reports. Resolved:** That the Commissioner of Agriculture, Food
8 and Rural Resources shall report annually for the duration of the pilot project to the joint
9 standing committee of the Legislature having jurisdiction over agriculture matters. The
10 report may include recommendations to the committee, including any legislation
11 necessary to implement recommendations for expanding or for revising and expanding
12 the pilot program. The committee may submit legislation to implement recommendations
13 concerning the pilot program.

14

SUMMARY

15 This resolve directs the Department of Agriculture, Food and Rural Resources to
16 develop a pilot program to discourage commercial and residential development outside of
17 growth areas established by municipalities and to encourage farmers to defer
18 development of actively productive farmlands through the purchase of limited-term deed
19 restrictions. It requires the department to implement a pilot program and the
20 Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing
21 Committee on Agriculture, Conservation and Forestry annually for the duration of the
22 pilot project.