

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)

m
R.O.G.

Date: 5-29-09

(Filing No. S-274)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 424, L.D. 1133, Bill, "An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland"

Amend the bill in Part A in section 1 in §162 in subsection 4 in the last line (page 1, line 38 in L.D.) by inserting after the following: "farm." the following: 'Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill in Part A by in section 2 by striking out all of §163 (page 2, lines 4 to 41 and page 3, lines 1 to 8 in L.D.) and inserting the following:

§163. Pilot program for establishing agricultural districts and agriculture enhancement groups

The commissioner may establish a pilot program to examine the effectiveness of agricultural districts in keeping farmland in agricultural production and enhancing the profitability of farming. For the purposes of this section, "pilot program" means an agricultural districts program that allows farmers to propose that the department designate their farmland as an agricultural district where commercial agriculture is encouraged and farmland protected through collaborative efforts at the state and local level.

1. Eligibility criteria for agricultural districts. In order to be eligible to participate in the pilot program, farms must form agricultural districts. An agricultural district must be composed of 3 or more farms that are located in geographic proximity to each other, produce similar types of agricultural products or share common marketing interests. The commissioner shall review eligibility criteria for participants in agricultural districts in other states and may develop additional criteria for participation with the pilot program, including, but not limited to, minimum acreage and farm income thresholds.

2. Benefits. The commissioner shall review benefits accruing to participants in agricultural districts in other states. Prior to initiating the pilot program, the commissioner shall develop a description of potential benefits accruing to participants in a pilot program. Potential benefits may include, but are not limited to, scoring bonuses

COMMITTEE AMENDMENT

1 for competitive grants, loans or business assistance programs and for project proposals
2 screened for submission to the Land for Maine's Future Fund under Title 5, section 6203.
3 The commissioner shall consult with other agencies administering programs affected by
4 the proposed benefits.

5 **3. Selection of regions.** The commissioner shall distribute a description of the
6 purpose and potential benefits of forming an agricultural district. Distribution may be
7 through public agencies and private organizations that have regular contact with farmers
8 in the State. The description must be posted on the department's publicly accessible
9 website. The description notice must include information on how to contact the
10 department to express interest in learning more about or participating in an agricultural
11 district.

12 Based on the response to the initial solicitation, the commissioner may designate one or
13 more districts. Prior to making a selection, the commissioner shall communicate with
14 local or regional planning commissions and state, local or regional land trusts to ascertain
15 their willingness to participate in efforts to protect farmland in the proposed districts.

16 If more than one district is designated for the pilot program, the commissioner shall strive
17 to select districts in different parts of the State or different sectors of the State's
18 agricultural economy.'

19 Amend the bill in Part A in section 3 in the 2nd paragraph in the first and 2nd lines
20 (page 3, lines 17 and 18 in L.D.) by striking out the following: "Joint Standing
21 Committee on Agriculture, Conservation and Forestry no later than February 1, 2010"
22 and inserting the following: 'joint standing committee of the Legislature having
23 jurisdiction over agriculture, conservation and forestry matters no later than February 1,
24 2011'

25 Amend the bill in Part A in section 4 in the first paragraph in the 2nd and 3rd lines
26 (page 3, lines 25 and 26 in L.D.) by striking out the following: "Joint Standing
27 Committee on Agriculture, Conservation and Forestry no later than February 15, 2010"
28 and inserting the following: 'joint standing committee of the Legislature having
29 jurisdiction over agriculture, conservation and forestry matters no later than February 15,
30 2011'

31 Amend the bill in Part A in section 5 in the 7th and 8th lines (page 3, lines 39 and 40
32 in L.D.) by striking out the following: "activity and" and inserting the following:
33 'activity. The department'

34 Amend the bill by striking out all of Part B.

35 Amend the bill in Part C in section 1 in the indented paragraph by striking out all of
36 the last 2 underlined sentences (page 6, lines 33 to 37 in L.D.) and inserting the
37 following: 'The right of eminent domain may not be exercised without prior review by
38 the joint standing committee of the Legislature having jurisdiction over conservation
39 matters.'

40 Amend the bill in Part C in section 2 by striking out all of the indented paragraph
41 (page 7, lines 1 to 14 in L.D.) and inserting the following:

42 'For the purpose of establishing, preserving or enhancing corridors for use for open
43 space or recreation, the director may acquire with the consent of the Governor and the

1 commissioner, by license, lease, purchase, gift or eminent domain, railroad rights-of-way
2 upon which rail service is no longer operated except that the right of eminent domain may
3 not be exercised without prior review by the joint standing committee of the Legislature
4 having jurisdiction over conservation matters. When railroad rights-of-way or interests in
5 railroad rights-of-way are taken by eminent domain, the proceedings must be in
6 accordance with this section and are not subject to Title 35-A, chapter 65. For purposes
7 of these acquisitions, the term "owner" as used in this section means the person holding
8 the dominant rights in the property immediately prior to the termination of the operation
9 of rail service and that person's successors and assigns. Acquisitions pursuant to this
10 subsection are not subject to any limitation in acreage.'

11 Amend the bill in Part C in section 3 by striking out all of the indented paragraph
12 (page 7, lines 17 to 27 in L.D.) and inserting the following:

13 'If all reasonable efforts to acquire lands or interests therein by negotiation have failed
14 and public exigency requires it, the director, with the consent of the Governor and the
15 commissioner, may utilize the power of eminent domain to acquire any land determined
16 necessary to provide passage via the most direct or practicable connecting trail right-of-
17 way across such lands; however, not more than 25 acres in any one mile may be acquired
18 without consent of the owner and that owner and adjacent landowners may not be
19 precluded from using motorized vehicles across such trails to maintain reasonable access
20 to their fee or other interests in land. The right of eminent domain may not be exercised
21 without prior review by the joint standing committee of the Legislature having
22 jurisdiction over conservation matters.'

23 Amend the bill in Part C by striking out all of sections 4 and 5.

24 Amend the bill in Part D in section 1 in subsection 2-B in paragraph A in the last line
25 (page 8, line 25 in L.D.) by striking out the following: "and" and inserting the following:
26 'or'

27 Amend the bill in Part D in section 1 in subsection 2-B in paragraph B in the first line
28 (page 8, line 26 in L.D.) by striking out the following: "or capable of use without
29 substantial modification"

30 Amend the bill in Part D in section 3 in the 5th line (page 8, line 36 in L.D.) by
31 striking out the following: "develop a model ordinance for farmland preservation that is
32 made available" and inserting the following: 'provide examples of these provisions'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 SUMMARY

36 This amendment modifies the provisions for a pilot project on the formation of
37 agricultural districts. It extends the report back date to February 2011. It allows 3 or
38 more farms to request designation as an agricultural district if the farms are located in
39 geographic proximity to one another, produce similar types of agricultural products or
40 share common marketing interests. It requires only the Department of Agriculture, Food
41 and Rural Resources to make recommendations on estate taxes. It removes Part B from

1 the bill, which provided for impact assessment and mitigation on state-funded or federally
2 funded projects with the potential to convert or diminish farmland.

3 It changes the provisions regarding the use of eminent domain by the Department of
4 Conservation, Bureau of Parks and Lands, allowing eminent domain to be used only after
5 legislative review. It changes the requirement that the Executive Department, State
6 Planning Office and the Department of Agriculture, Food and Rural Resources develop a
7 model ordinance for farmland protection to a directive that they provide municipal and
8 regional planning committees with examples of provisions to protect farmland.

9 **FISCAL NOTE REQUIRED**

10 (See attached)



124th MAINE LEGISLATURE

LD 1133

LR 1894(02)

An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection, the State Planning Office and Maine Revenue Services can be absorbed within existing budgeted resources.