

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1649

S.P. 548

In Senate, December 21, 2011

### An Act To Authorize the Registration of Farmland in 2012 and 2013

(EMERGENCY)

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

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative BLACK of Wilton.

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

3           **Whereas,** maintaining agricultural production capacity is vital to rural economies;  
4 and

5           **Whereas,** conflict may arise from siting nonfarm development adjacent to farmland;  
6 and

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

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

12           **Sec. 1. 7 MRSA §53-A,** as enacted by PL 1989, c. 478, §1, is amended to read:

13 **§53-A. Eligibility**

14           Any owner who intends to register land as farmland pursuant to section 53-B shall:

15           **1. Application.** Submit an application for review by the soil and water conservation  
16 district in which the land is located in accordance with the provisions of Title 12, section  
17 6-A. ~~Owners of land must apply for review by March 1st of the year in which~~  
18 ~~registration is desired.~~ The owner shall use an application provided by the department;

19           **2. Notice of intent.** Give notice of intent to register to all abutting landowners, as  
20 indicated on municipal or state tax records, ~~by May 15th of the year in which registration~~  
21 ~~is desired~~ a minimum of 15 days prior to submitting registration materials under section  
22 53-B. Abutters ~~shall~~ must be notified on a form provided by the department; and

23           **3. Farm and Open Space Tax Law.** Only register land classified as farmland under  
24 ~~the Farm and Open Space Tax Law, Title 36, chapter 105, subchapter X 10.~~

25           **Sec. 2. 7 MRSA §53-B, sub-§1-A** is enacted to read:

26           **1-A. Additional registration period.** In addition to registering farmland within the  
27 registration period established under subsection 1, a landowner may register farmland  
28 under this chapter from July 1, 2012 to December 31, 2013.

29           **Sec. 3. 7 MRSA §53-B, sub-§3,** as enacted by PL 1989, c. 478, §1, is amended to  
30 read:

31           **3. Effective date.** A registration ~~shall take~~ takes effect 15 days after receipt of  
32 notice by the municipality ~~and abutting owners~~ if the notification requirement under  
33 section 53-D is met and review proceedings under section 54 are not initiated. If review  
34 proceedings are initiated under section 54 the registration is effective when upheld by the  
35 municipality.

