

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1041

S.P. 367

In Senate, March 24, 2015

### An Act To Restore Farmlands and Improve Watersheds

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative HICKMAN of Winthrop and  
Senators: ALFOND of Cumberland, BREEN of Cumberland, DILL of Penobscot,  
EDGECOMB of Aroostook, MILLETT of Cumberland, SAVIELLO of Franklin,  
Representatives: MAREAN of Hollis, WELSH of Rockport.

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

2 **Sec. 1. 7 MRSA c. 15** is enacted to read:

3 **CHAPTER 15**

4 **FARMLAND RESTORATION PROGRAM**

5 **§361. Farmland Restoration Program**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
7 following terms have the following meanings.

8 A. "Fund" means the Farmland Restoration Fund established in section 362.

9 B. "Panel" means the review panel established in subsection 3.

10 C. "Program" means the Farmland Restoration Program established in subsection 2.

11 **2. Program established.** The Farmland Restoration Program is established within  
12 and is administered by the department. The program provides approved applicants with  
13 assistance in improving lands for increasing food and fiber production agriculture,  
14 improving soil quality and strengthening soil conservation and watershed protection.

15 The program provides payments of up to 50% of the cost or \$20,000, whichever is less,  
16 of an approved restoration project under subsection 5. For projects involving state-owned  
17 or municipality-owned farmland under long-term agricultural leases of 5 years or more,  
18 the total program payment may be up to 90% of the restoration costs, up to \$20,000.

19 **3. Participation; application; review panel.** Individuals must submit an  
20 application to the department to be eligible for participation in the program, pursuant to  
21 procedures developed by the department. Applications must include a detailed  
22 conservation plan as described under subsection 4. An approved application is required  
23 prior to funding approval.

24 The department shall establish a review panel to evaluate and approve applications for  
25 participation in the program based on the 3 equal objectives of increasing food and fiber  
26 production agriculture, improving soil quality and strengthening soil conservation and  
27 strengthening watershed protection. The panel may further evaluate and approve  
28 applications and proposed conservation plans based upon other lesser criteria developed  
29 by the department. The panel must notify all applicants of their application status in a  
30 timely manner.

31 **4. Conservation plan required.** An application for the program must include a  
32 detailed conservation plan. An applicant that chooses not to prepare a plan in  
33 consultation with the United States Department of Agriculture, Natural Resources  
34 Conservation Service must provide a plan developed in consultation with the applicant's  
35 local soil and water conservation district in order to be considered for funding under the  
36 program. The conservation plan must at a minimum comply with the latest best  
37 management practices. In scoring plans, the panel will award higher scoring to

1 conservation plans that incorporate stronger, evidence-based management practices  
2 reflective of increasing trends for total rainfall and increased severity of rainfall events.

3 If a restoration project includes clearing or partial clearing of forested areas, the  
4 conservation plan must also comply with any guidelines of the department regarding the  
5 creation of new agricultural fields or the expansion of existing agricultural fields in  
6 forested areas.

7 **5. Healthy soil practices required.** The project's conservation plan must be  
8 consistent with, and the applicant's plans for operation and maintenance practices for the  
9 restoration area farmland must constitute, an investment in good soil health, including a  
10 healthy diversity of soil biota.

11 **6. Approved restoration projects.** The program may fund the following farmland  
12 restoration projects:

13 A. Reclamation of grown-over pastures, meadows and cropland, including the  
14 removal of invasive plants, and hedgerow management;

15 B. Clearing and removal of trees, stumps, stones and brush to create or restore a  
16 land's agricultural use, which may include clearing plots or thinning to implement  
17 forest farming practices, including interplanting and livestock foraging and grazing;

18 C. Installation of fencing to keep livestock in reclaimed pasture areas or out of  
19 riparian areas;

20 D. Installation of wildlife management fencing to protect crop fields in designated  
21 areas;

22 E. Restoration of water runoff and drainage of crop fields to improve cropland areas  
23 and restore water runoff patterns and water conservation;

24 F. Renovation of farm ponds, including farm pond management, irrigation and  
25 irrigation wells incidental to the restored areas;

26 G. Replanting of vegetation on erosion-prone land and along stream banks on  
27 agricultural lands;

28 H. Restoration of shellfish beds or aquaculture ponds; and

29 I. Enhancement of farm roads that serve restoration areas.

30 **§362. Farmland Restoration Fund**

31 **1. Fund established.** The Farmland Restoration Fund is established as a nonlapsing  
32 fund within the department. The commissioner may accept money for the fund from any  
33 public or private source and may make expenditures from the fund to carry out the  
34 purposes of the program.

35 **2. Administration.** The commissioner shall administer the fund.

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**§363. Rulemaking**

The department shall adopt rules necessary to implement the program. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

This bill establishes the Farmland Restoration Program, establishes a framework for the program, establishes the Farmland Restoration Fund and gives the Department of Agriculture, Conservation and Forestry authority to adopt rules to implement the program.