

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1884

H.P. 1394

House of Representatives, January 5, 2022

An Act To Create Affordable Agricultural Homesteads

(EMERGENCY)

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

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BICKFORD of Auburn.
Cosponsored by Senator TIMBERLAKE of Androscoggin and
Representatives: DILLINGHAM of Oxford, Speaker FECTIONEAU of Biddeford, TERRY of
Gorham.

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,** it is essential to promote agricultural endeavors of all sizes, including
4 subsistence farming and agricultural operations that have a large market share; and

5 **Whereas,** less restrictive land use policies will encourage agricultural, commercial
6 and residential development in this State; and

7 **Whereas,** agricultural and residential development historically occur in tandem and
8 should be addressed simultaneously; and

9 **Whereas,** delaying this legislation beyond the 90-day period would detrimentally
10 affect the development of agricultural homesteads; and

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

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

16 **Sec. 1. 30-A MRSA §4364** is enacted to read:

17 **§4364. Residential construction**

18 This section governs a municipality's regulation of residential construction.

19 **1. Income requirements prohibited.** A municipality may not establish an income
20 requirement as a condition for residential construction in any zone regardless of the zone's
21 primary use.

22 **2. Conditions.** For residential construction in an area zoned for agricultural uses, a
23 municipality may not require a condition that is more restrictive than any condition under
24 Title 36, section 1102, subsection 4.

25 **Sec. 2. 30-A MRSA §4365** is enacted to read:

26 **§4365. Minimum lot size requirements for agricultural zones**

27 For areas zoned primarily for agricultural uses, a municipality may not require a
28 minimum lot size of more than twice the minimum lot size of the most restrictive residential
29 zone in that municipality.

30 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
31 takes effect when approved.

32 **SUMMARY**

33 This bill prohibits a municipality from requiring:

- 34 1. An income requirement as a condition for residential construction;
- 35 2. A condition of residential construction in an agricultural zone that is more restrictive
36 than any condition on farmland under the State's farm tax law; and
- 37 3. A minimum lot size for zones primarily used for agriculture that is more than twice
38 the minimum lot size of the most restrictive residential zone in that municipality.