

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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1981

Sec. 19. P&SL 1981, c. 49 is amended to read:

Program for practical nursing. The Eastern Maine Vocational-technical Vocational-Technical Institute may operate a program for practical nursing in the City of Ellsworth. The program established shall not be funded from the General Fund, but shall be funded for the first year of the biennium from dedicated revenues derived from other sources and retained in a special revenue account hereby authorized for that purpose.

Sec. 19-A. Effective date. The amendment to Private and Special Law 1981, c. 49 contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except as otherwise provided.

Effective June 18, 1981, unless otherwise indicated

CHAPTER 471

S. P. 345 — L. D. 988

AN ACT Concerning Information Provided by Insurers Prior to Rate Approval.

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

Sec. 1. 39 MRSA § 22, sub-§ 2-A is enacted to read:

2-A. Separate filing of information required under subsection 2. Notwithstanding any other provision of law, the information required by subsection 2, paragraphs B and C, shall be filed separately for each company seeking rate approval.

Sec. 2. 39 MRSA § 22, sub-§ 3-A is enacted to read:

3-A. Separate filing of information required under subsection 3. Notwithstanding any other provision of law, the information required by subsection 3, paragraphs A and B, shall be filed separately for each company seeking rate approval.

Effective September 18, 1981

CHAPTER 472

H. P. 1175 — L. D. 1399

AN ACT to Protect Farmers' Right to Farm.

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

17 MRSA § 2805 is enacted to read:

§ 2805. Farms or farm operations not a nuisance

1. Definition. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farm" means the land, buildings and machinery used in the commercial production of farm products.

B. "Farm operation" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding, ground spraying, disposal of manure, the application of chemical fertilizers, soil amendments, conditioners and pesticides and the employment and use of labor.

C. "Farm product" means those plants and animals useful to man and includes, but is not limited to forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products.

2. Generally accepted agricultural practices. A farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural practices, as determined by the Commissioner of Agriculture, Food and Rural Resources in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Change in land use. A farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm and, before the change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

4. Application. This section shall not affect the application of state and federal statutes.

Effective September 18, 1981