

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

which have been approved by the Department of Personnel and submitted for legislative review prior to the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1983.

Effective July 1, 1983.

CHAPTER 396

H.P. 871 - L.D. 1125

AN ACT to Require Annual Disclosure of
Interest in Agricultural Land in Maine.

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

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

CHAPTER 2

INTERESTS IN AGRICULTURAL LAND

§31. Title

This chapter shall be known and may be cited as the "Agricultural Land Interest Act."

§32. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. AFIDA. "AFIDA" means the Agricultural Foreign Investment Disclosure Act of 1978, United States Code, Title 7, Section 3501, et seq.

2. Agricultural land. "Agricultural land" means any land in Maine which is used or capable of use without substantial modification for production of agriculturally related products including, but not limited to, crops, livestock, poultry, dairy products and sod.

3. Commissioner. "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources or his authorized agents.

4. Family farm corporation. "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land; the majority of the voting stock must be held by, and a majority of the shareholders must be, persons or the spouses of persons related to each other within the 3rd degree of kindred and at least one of the related persons must reside on or actively operate the farm; and none of the shareholders may be a corporation. A family corporation does not cease to qualify as such by reason of any bequest of voting stock.

5. Farm partnership. "Farm partnership" means an association of 2 or more individuals formed for the purpose of farming.

6. Interest in land. "Interest in land" means all forms of direct or indirect ownership of land, except:

A. Contingent future interests;

B. Noncontingent future interests which do not become possessory upon the termination of the present possessory estate; and

C. Surface or subsurface easements and rights-of-way used for a purpose unrelated to agricultural production.

§33. Report required

1. Conditions requiring report. Any corporation or partnership which, on its own behalf or acting as a fiduciary or trustee on behalf of another, holds, acquires or transfers any interest in agricultural land shall submit an annual report to the commissioner not later than 90 days after January 1st or the date of that acquisition or transfer, whichever is earlier.

2. Contents of report. The report shall be in such form as the commissioner may require and shall contain:

A. The legal name and address of the corporation or partnership filing and type of legal entity;

B. The nature of the interest in agricultural land which that corporation or partnership has acquired or transferred and the date of that activity;

C. The legal description and acreage of the agricultural land;

D. The use of the agricultural land at the date of acquisition or transfer and the use to which the land shall be put by the person acquiring it;

E. The appraised value of the agricultural land and the consideration given;

F. The name, address and type of legal entity of the person from whom acquired or to whom transferred; and

G. Such other information as the commissioner may require by regulation adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375.

3. AFIDA report. A corporation or partnership may fulfill the reporting requirement of this section by submitting a copy of its federal AFIDA report.

§34. Exemptions

1. Family farm corporation or partnership. A family farm corporation or farm partnership as defined in section 32 shall not be required to comply with the reporting requirements in section 33.

2. Ten-acre exemption. A corporation or partnership owning less than 10 acres of land, which is the subject of a single acquisition or transfer, is not required to comply with the reporting requirements in section 33.

§35. Regulations

The commissioner may prescribe regulations in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, for carrying out the purposes of this chapter.

§36. Penalties

1. Violation. Any corporation or partnership subject to this chapter which violates this law or the regulations adopted thereunder or which submits a report which contains information that is false or misleading shall be subject to a civil penalty, payable to the State, of not more than \$50 for each day of the violation.

2. Warning. A corporation or partnership subject to this chapter which does not comply with the law in a timely fashion shall first receive a written warning from the Department of Agriculture, Food and Rural Resources which will require presentation of the information within 30 days. After the 30-day

notice period is expired, penalties described in sub-section 1 shall be imposed.

Sec. 2. 13-A MRSA §1201, sub-§3, ¶J, as enacted by PL 1971, c. 439, §1, is amended to read:

J. Owning real estate, except agricultural land in this State; and

Effective September 23, 1983.

CHAPTER 397

H.P. 517 - L.D. 642

AN ACT to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incidental to the operation of the department will become due and payable on or immediately after July 1, 1983; and

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

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

Sec. 1. 29 MRSA §2713, sub-§3, ¶A, as enacted by PL 1981, c. 469, §2, is amended to read:

A. There shall be allocated to the Department of Public Safety for State Police up to \$450,000 \$460,000 annually from the fund to carry out the statutory duties of the bureau imposed by this chapter and Title 35 and for related activities.

Sec. 2. Allocation of Transportation Safety