

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985  
Chapters 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1985.

Effective July 1, 1985.

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## CHAPTER 482

S.P. 489 - L.D. 1316

### AN ACT to Encourage a Viable Agriculture for Maine.

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(1-A) is enacted to read:

<u>(1-A) Agriculture</u>	<u>Maine</u>	<u>Expenses</u>	<u>7 MRSA §313</u>
	<u>Agricultural</u>	<u>Only</u>	
	<u>Viability</u>		
	<u>Advisory</u>		
	<u>Committee</u>		

Sec. 2. 7 MRSA Pt. 1-A is enacted to read:

PART 1-A

AGRICULTURAL AND RURAL RESOURCES DEVELOPMENT

CHAPTER 51

THE MAINE AGRICULTURAL VIABILITY ACT OF 1985

§311. Short title

This chapter shall be known as the "Maine Agricultural Viability Act of 1985."

§312. Legislative findings

The Legislature finds that:

1. Importance of agriculture. Agriculture is important to the overall economy of the State and that regional variations in the State's agricultural economy exist because of differences in climate, soil, availability and cost of productive land, access to service, supply and market infrastructure, size of local markets and distances to other markets. These regional variations result in different production and marketing opportunities and constraints;

2. Changing conditions. Opportunities and constraints change in response to new scientific and technical developments, changing consumer demands and changes in the relative costs of agricultural inputs. A healthy agricultural economy depends on a timely response by farmers to these changing opportunities and constraints; and

3. Response by farmers. Timely farmer response is encouraged by an awareness of changing market conditions, access to accurate information on new technologies appropriate to each region, adequate financing for innovative change and appropriate supply and marketing infrastructures.

§313. Maine Agricultural Viability Advisory Committee

1. Membership. The Maine Agricultural Viability Advisory Committee, as established by Title 5, section 12004, subsection 10, shall consist of the following 7 members:

A. One representative of the Maine Farm Bureau;

B. One representative of the Maine State Grange;

C. One representative of the National Farm Organization;

D. One representative of the Maine Small Farm Association;

E. One representative of the Maine Organic Farmers and Gardeners Association;

F. One representative of the Maine Association of Conservation Districts; and

G. The Chairman of the Soil and Water Conservation Commission or his designee, who shall serve during his tenure in that office.

2. Selection of representatives; terms. The representatives of each of the organizations set out in subsection 1, paragraphs A to F, shall be chosen by that organization from among its members in a manner determined by that organization. Each representative shall serve for terms of 3 years, except that, of those first chosen, the representatives chosen pursuant to subsection 1, paragraphs A and B, shall serve terms of one year; the representatives chosen pursuant to subsection 1, paragraphs C and D, shall serve terms of 2 years; and the representatives chosen pursuant to subsection 1, paragraphs E and F,

shall serve terms of 3 years. If any representative ceases to be a member of the organization which he represents, he shall cease to be a member of the advisory committee. Any vacancy on the advisory committee shall be filled in the same manner as the original selection for the remainder of the unexpired term.

3. Chairman. The advisory committee shall annually select one of its members to serve as chairman of the advisory committee.

4. Compensation. Advisory committee members shall be compensated in accordance with Title 5, chapter 379.

5. Responsibilities. The responsibilities of the committee shall be to:

A. Advise the commissioner in developing rules as required in section 314, subsections 2 and 3;

B. Review information gathered by local agencies and the analysis performed by the department pursuant to section 314, subsection 2;

C. Advise the commissioner in proposing redirection of existing programs pursuant to section 315; and

D. Advise the commissioner in implementing any other provision of this Act.

6. Meetings. Either the chairman or the commissioner may call a meeting of the committee. The committee shall meet at least quarterly.

§314. Establishing a pilot program for identifying regional opportunities

In response to these legislative findings, the commissioner shall establish a pilot program to review and identify the agricultural opportunities and constraints in up to 4 regions of the State and, to the maximum extent possible, to administer the department's programs in these selected regions so as to address these opportunities and constraints. In this pilot program, the commissioner shall:

1. Public participation. Ensure that the agricultural community and public in general have the opportunity to participate in the assessment of regional opportunities and constraints and in any redirection of programs resulting from the assessment; and

2. Local lead agencies. By rule establish criteria for selecting up to 4 regions for inclusion in this pilot program and designating local lead agencies to coordinate public input and assist in this regional assessment, provided that preference shall be given to local soil and water conservation districts as lead agencies which meet designation criteria. Regions shall be selected so as to reflect the agricultural, geographic and demographic diversity of the State and the capacity of potential local lead agencies to participate in this pilot program.

A. The department shall provide the local lead agencies with current information about agricultural production, processing and marketing within the State, the demand for state agricultural products and the State's market position relative to its competitors.

B. Local lead agencies shall hold hearings and public meetings and shall collect and assess information on agricultural resources, problems and needs in their local areas, including at a minimum:

(1) The land base currently used or suitable for agricultural production, its nature and extent, use and ownership;

(2) The market, supply and service infrastructure serving the area;

(3) The availability and cost of production inputs in the area;

(4) The local demand for agricultural goods produced in the area; and

(5) The needs of the agricultural sector in the area perceived to be critical to maintaining or enhancing its economic strength.

C. The department shall compile and analyze information received pursuant to paragraph B and shall, after consultation with local lead agencies, propose redirection of existing programs and implementation of new programs as appropriate; and

3. Funds. Establish by rule provisions for the expenditure of funds authorized for the purposes of this chapter.

§315. Regional opportunities addressed

Within one year following completion of all regional assessments, the commissioner shall initiate implementation of appropriate state programs to respond to regional needs.

§316. Participation of other agencies

1. Other state agencies. The State Planning Office, the State Soil and Water Conservation Commission, the Finance Authority of Maine and the University of Maine shall cooperate with and assist the commissioner in his efforts to assess regional agricultural opportunities and constraints pursuant to this chapter.

2. Federal agencies. The commissioner shall consult with appropriate federal agencies, including the Farmers Home Administration, the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, in carrying out this chapter.

Sec. 3. 12 MRSA §2 is amended to read:

§2. Policy

Conservation of soil and water resources may involve adjustments in land and water use and the development, improvement and protection of these resources under various combinations of use. It is declared to be the policy of the Legislature to provide for and encourage the optimal use of the State's agricultural resources, to insure the availability of appropriate soil and water resources for the production of food and other renewable resources, to provide for the conservation of the soil and soil and water resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources and maintain the economic base for the State's natural resource industries, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this State.

Effective September 19, 1985.

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## CHAPTER 483

H.P. 662 - L.D. 945

AN ACT to Support the Growth and Development  
of Community Child Abuse and Neglect  
Councils.