

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

(b) <u>Members</u>	<u>5,000</u>
(2) <u>Treasurer</u>	<u>5,850</u>
(3) <u>Sheriff</u>	<u>21,600</u>
(4) <u>Judge of Probate</u>	<u>12,568</u>
(5) <u>Register of Probate</u>	<u>14,788</u>
(6) <u>Register of Deeds</u>	<u>15,256</u>
<u>K. Sagadahoc County:</u>	<u>1989</u>
(1) <u>Commissioners</u>	
(a) <u>Chair</u>	<u>\$4,478</u>
(b) <u>Members</u>	<u>3,918</u>
(2) <u>Treasurer</u>	<u>7,627</u>
(3) <u>Sheriff</u>	<u>28,000</u>
(4) <u>Judge of Probate</u>	<u>14,052</u>
(5) <u>Register of Probate</u>	<u>15,352</u>
(6) <u>Register of Deeds</u>	<u>16,382</u>
<u>L. Somerset County:</u>	<u>1989</u>
(1) <u>Commissioners</u>	
(a) <u>Chair</u>	<u>\$4,737</u>
(b) <u>Members</u>	<u>4,058</u>
(2) <u>Treasurer</u>	<u>9,758</u>
(3) <u>Sheriff</u>	<u>28,004</u>
(4) <u>Judge of Probate</u>	<u>15,773</u>
(5) <u>Register of Probate</u>	<u>16,635</u>
(6) <u>Register of Deeds</u>	<u>17,089</u>
<u>M. Washington County:</u>	<u>1989</u>
(1) <u>Commissioners</u>	
(a) <u>Chair</u>	<u>\$4,872</u>
(b) <u>Members</u>	<u>4,061</u>
(2) <u>Treasurer</u>	<u>15,000</u>
(3) <u>Sheriff</u>	<u>27,000</u>
(4) <u>Judge of Probate</u>	<u>14,526</u>
(5) <u>Register of Probate</u>	<u>16,000</u>

(6) <u>Register of Deeds</u>	<u>16,000</u>
<u>N. York County:</u>	<u>1989</u>
(1) <u>Commissioners</u>	
(a) <u>Chair</u>	<u>\$4,500</u>
(b) <u>Members</u>	<u>4,500</u>
(2) <u>Treasurer</u>	<u>5,200</u>
(3) <u>Sheriff</u>	<u>28,000</u>
(4) <u>Judge of Probate</u>	<u>12,500</u>
(5) <u>Register of Probate</u>	<u>20,000</u>
(6) <u>Register of Deeds</u>	<u>20,000</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved and shall be applied retroactively to January 1, 1989.

Effective June 26, 1989.

CHAPTER 477

H.P. 788 - L.D. 1100

An Act to Increase the Compensation for Part-time Deputy Sheriffs

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

Sec. 1. 25 MRSA §2805, sub-§2, ¶A, as amended by PL 1983, c. 67, §1, is further amended to read:

A. ~~“Full-time”~~ Except as provided in subparagraph (1), “full-time” means employment with the reasonable expectation of earning at least \$6,000 in any one calendar or fiscal year for performing law enforcement duties.

(1) For deputy sheriffs, “full-time” means employment with the reasonable expectation of earning at least \$10,000 in any one calendar or fiscal year for performing law enforcement duties.

Sec. 2. 30-A MRSA §386, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Part-time deputies. Part-time deputies shall be compensated at a reasonable rate established by the county commissioners, which may not exceed the lowest per diem compensation rate of a full-time deputy in the county. No part-time deputy may be compensated under this section

more than ~~\$6,000~~ \$10,000 in any one calendar or fiscal year. Incidental expenses as are necessary for the proper enforcement of the laws shall also be paid in the same manner as provided for full-time deputies and are not included in the ~~\$6,000~~ \$10,000 limitation on compensation. Compensation paid to a part-time deputy for serving as a court officer is not included in the ~~\$6,000~~ \$10,000 limitation on compensation.

See title page for effective date.

CHAPTER 478

H.P. 697 - L.D. 949

An Act to Clarify the Farmland Adjacency Law

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

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

CHAPTER 2-B

REGISTRATION OF FARMLAND

§51. Purpose

The Legislature finds that the public health, safety and welfare is threatened when land immediately adjacent to farmland is developed for human habitation. This development and the uses incident to it are inconsistent with various activities commonly engaged in on farmland, such as the application of agricultural chemicals. The Legislature declares that the purposes of this chapter are:

1. Health impacts. To minimize any health or other adverse impacts which common agricultural activities may have on the occupants of land adjacent to farmland;

2. Agricultural activities. To protect the ability of farmers to engage in common agricultural activities with minimal potential for causing harm to their neighbors;

3. Full land use. To permit the owners of both farmland and adjacent land to maintain to the highest degree possible the full use and enjoyment of their land, but to recognize the importance of agriculture to the economic and social welfare of the State;

4. Production capacity. To conserve agricultural production capacity for present needs and for the future;

5. Harmony. To promote harmony between agriculture and adjacent nonfarm development;

6. Responsibility. To recognize the mutual responsibility of agricultural operators and persons siting nonfarm development adjacent to farmland to take steps to accommodate each other's concerns and the public interest;

7. Public records. For purposes of administering this regulatory program, to create in each municipality and each county registry of deeds a register of farmland which will provide a public record and enable disclosure to potential buyers of real estate and the public regarding the existence of active farming operations in the community that may be incompatible with residential development on lands in the immediate vicinity; and

8. Distance. When farmland is registered for the application of agricultural chemicals, to provide some accommodation for that activity and for adjacent nonfarm developments by distancing them from each other and by providing a reasonable setback for new residential and other particularly sensitive types of development from actively used agricultural land.

§52. Definitions

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

1. Abutting land. "Abutting land" means real estate which shares a common boundary, or portion of a boundary, with land that is held in common ownership with land registered or being considered for registration under this chapter when the abutting real estate is within 100 feet of the land registered or being considered for registration. Abutting land includes, but is not limited to, land separated by a road and within 100 feet of land that is held in common ownership with land registered or being considered for registration under this chapter.

2. Agricultural chemicals. "Agricultural chemicals" means fungicides, insecticides, herbicides, and other pesticides.

3. Commercial farming. "Commercial farming" means the production of any "farm product," as defined by Title 17, section 2805, with the intent that that farm product be sold or otherwise disposed of to generate income.

4. Farmland. "Farmland" means any tract or tracts of land used for commercial farming:

A. That consists of 5 or more contiguous acres;

B. That has produced a gross income averaging no less than \$300 per acre for 3 or more of the previous 6 calendar years;

C. Where use of agricultural chemicals has occurred; and

D. That includes only the land on which the crop is produced.

"Farmland" does not include land used for woodlots, Christmas tree production, homes, farm buildings, roads, pastures, lawns or any area covered with noncrop vegetation that borders abutting land.