

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

**CHAPTER 2-C**  
**VOLUNTARY MUNICIPAL FARM SUPPORT**  
**PROGRAM**

**§60. Definitions**

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

**1. Farm support arrangement.** "Farm support arrangement" means an arrangement that meets requirements established by the department by rule under which:

A. The owner of qualified farmland grants to a municipality a qualified easement; and

B. The municipality obligates itself to make farm support payments.

**2. Farm support payments.** "Farm support payments" means annual payments by a municipality during the term of a qualified easement:

A. In an amount equal to 100% of the annual property taxes assessed by that municipality against land and buildings subject to a qualified easement up to the fair market value of the easement; and

B. To the person against whom the property taxes are assessed.

**3. Qualified easement.** "Qualified easement" means an agricultural conservation easement held by a municipality on qualified farmland in that municipality that:

A. Meets standards adopted by rule by the department designed to ensure that no development other than development related to agricultural use occurs on the qualified farmland; and

B. Is limited to a term of not less than 20 years.

**4. Qualified farmland.** "Qualified farmland" means farmland that meets eligibility requirements established by the department by rule.

**§60-A. Program established**

**1. Program.** In order to protect and support local farms, preserve farmland and reduce the potential tax burdens from new development, a municipality may enter into farm support arrangements with the owners of qualified farmland.

A. A farm support arrangement must be approved by majority vote of the municipality's legislative body.

B. Unless approved by a 2/3 vote of the municipality's legislative body, the municipality may not enter into farm support arrangements:

(1) Affecting more than 3% of the total taxable land in the municipality; and

(2) In any calendar year, affecting more than 1% of the total taxable land in the municipality.

**2. Effects of arrangement.** A farm support arrangement may not diminish the eligibility of qualified farmland for participation in tax benefits under Title 36, chapter 105, subchapter 2-A or 10 or for consideration under Title 5, Part 15-A by the Land for Maine's Future Board.

**3. Nullification.** A farm support arrangement, once finally executed, is binding on the municipality. A municipality may not cease to make payments under the arrangement unless the land subject to the qualified easement is taken by eminent domain or state law otherwise authorizes the payments to cease. In the event that a municipality's obligation to make farm support payments ceases, the farm support arrangement and the related qualified easement are void and may not be given effect and the municipality shall provide notice of this fact to the owner of the qualified farmland and record that notice with the appropriate registry of deeds.

**4. Rules.** The department shall adopt rules governing farm support arrangements. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 302**  
**H.P. 1252 - L.D. 1798**

**An Act To Fund Pesticide Education in the State**

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

**Sec. 1. 7 MRSA c. 415 is enacted to read:**

**CHAPTER 415**

**MAINE PESTICIDE EDUCATION FUND**

**§2421. Fund established**

The Maine Pesticide Education Fund, referred to in this chapter as "the fund," is established. The fund consists of any funds received as contributions from private and public sources. The fund, to be accounted within the department, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year.

**§2422. Expenditures from fund; distribution**

Funds in the Maine Pesticide Education Fund must be distributed by the department as follows:

**1. Integrated Pest Management Fund.** Three percent of the money in the fund to the Integrated Pest Management Fund established under section 2405;

**2. Pesticide education and pesticide pick-up program.** Forty-seven percent of the money in the fund to the Board of Pesticides Control for pesticide education programs, applicator licensing and obsolete pesticide collection programs; and

**3. Pest management education.** Fifty percent of the money in the fund to the University of Maine Cooperative Extension for pest management and pesticide education programs, including, but not limited to, homeowner integrated pest management, school pest management, medical and veterinary facility pest management, pesticide application and use education and community health-related pest management programs.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**UM Cooperative Extension - Pesticide Education N011**

Initiative: Establishes a base allocation in fiscal year 2007-08 and fiscal year 2008-09 for funds received from the Maine Pesticide Education Fund for pest management and pesticide education programs.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 303  
H.P. 624 - L.D. 827**

**An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System**

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

Sec. 1. 5 MRSA §17763-A is enacted to read:

**§17763-A. Purchase of service credit by an educator of a child with a disability; service before July 1, 1976**

If a member can provide the board with satisfactory evidence that the member performed before July 1, 1976 any work as an educator or teacher of a child with a disability, as defined in Title 20-A, section 7001, subsection 1-B, including as a teacher who may not meet the definition in section 17001, subsection 42, in a private or parochial school or other school, center, facility or program that was not part of a public school system, the member may purchase up to one year of service credit for any such work performed before July 1, 1976. Service credit for this work must be calculated on the basis of school years. In order to purchase this service credit and before any retirement benefit becomes effective, the member must pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the retirement system an amount that, together with regular interest on that amount, is the actuarial equivalent at the effective date of the retirement benefit of the portion of the retirement benefit based on the additional creditable service. Annual payments must be made in accordance with section 17701, subsection 4. Additional amounts paid under this subsection become a part of the member's accumulated contributions. If any retirement benefit becomes effective before the completion of the payment under this section, the member is entitled to service credit for that portion of the additional creditable service that the total amount of payments actually made plus regular interest on those payments to the date the retirement benefit becomes effective bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

See title page for effective date.

**CHAPTER 304  
H.P. 353 - L.D. 454**

**An Act To Amend Truancy Laws Regarding Parent Involvement**

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

Sec. 1. 20-A MRSA §3272, sub-§2, as amended by PL 1989, c. 415, §5, is repealed and the following enacted in its place:

**2. Habitual truancy.** A person is habitually truant if:

**A.** The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10