

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

(1) The role, if any, of the member's spouse, dependent or former spouse in connection with the crime;

(2) The degree of knowledge, if any, possessed by the member's spouse, dependent or former spouse in connection with the crime; and

(3) The extent to which the spouse, dependent or former spouse was relying on the forfeited benefits.

2. Benefit award requirements. An award ordered under subsection 1, paragraph C may not require the retirement system to:

A. Provide a type or form of benefit or an option not otherwise provided by the retirement system;

B. Provide increased benefits determined on the basis of actuarial value; or

C. Take an action contrary to its governing laws or plan provisions other than the direct payment of the benefit awarded to the spouse, dependent or former spouse.

See title page for effective date.

CHAPTER 607

H.P. 1211 - L.D. 1602

An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

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

Sec. 1. 7 MRSA §743-A, sub-§1, as enacted by PL 2009, c. 393, §3, is amended to read:

1. Registrants required to report. On or before September 1st of each year, a registrant shall file with the commissioner, on a form prescribed by the commissioner, the number of tons of each brand and grade of commercial fertilizer sold by the registrant in the State during the 12 months preceding July 1st of that year. A fee of \$1 per ton ~~or \$100 for each brand and grade of fertilizer, whichever is more~~, sold during the 12 months preceding July 1st of that year must accompany the form.

Sec. 2. 7 MRSA §766, sub-§1, as amended by PL 2009, c. 393, §5, is further amended to read:

1. By registrants. On or before September 1st in each year each registrant shall file with the commissioner, on forms prescribed by the commissioner, the number of tons of each agricultural liming material sold during the 12 months preceding July 1st of that

year. A fee of \$1 per ton ~~or \$100 for each brand of agricultural liming material, whichever is more~~, sold during the 12 months preceding July 1st of that year must accompany the form.

Sec. 3. Report to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The Department of Agriculture, Food and Rural Resources, referred to in this section as "the department," shall review the types and quantities of fertilizers and liming materials required to be registered under the Maine Revised Statutes, Title 7, chapter 103, subchapters 5 and 5-A. The department shall review definitions of "commercial fertilizer," "agricultural liming materials," "plant amendment" and "soil amendment" used in those subchapters and Title 7, chapter 103, subchapter 5-B and the term "agronomic benefit" as used in Department of Environmental Protection rules pertaining to the agronomic use of residuals. The department shall determine if additional definitions or statutory provisions are needed to regulate liquid fertilizers.

The department, in consultation with the Department of Environmental Protection, shall review products derived from residuals regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 419: Agronomic Utilization of Residuals; products derived from solid waste composting facilities regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 410: Composting Facilities; and products derived from agricultural composting operations as defined in Title 7, section 152, subsection 1. The departments shall review and consider the development of inspection, sampling and analysis of these products and the degree of inspection, sampling and analysis warranted for each type of product. The department shall compare the anticipated revenue from fees collected under Title 7, section 743-A and section 766 with the cost of maintaining inspection, sampling and analysis of these products at a level sufficient for consumer protection.

The department shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than January 15, 2013. No later than January 15, 2013 the department shall submit legislation, including revisions to definitions, needed to implement its recommendations.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Quality Assurance and Regulation 0393

Initiative: Provides allocation for one Consumer Protection Inspector position and related All Other costs

to administer the commercial fertilizer sampling program.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$65,832
All Other	\$0	\$56,155
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$121,987

See title page for effective date.

CHAPTER 608
S.P. 548 - L.D. 1649

An Act To Authorize the Registration of Farmland

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, maintaining agricultural production capacity is vital to rural economies; and

Whereas, conflict may arise from siting nonfarm development adjacent to farmland; and

Whereas, this legislation will reduce potential conflict by alerting buyers when they are purchasing property abutting farmland; 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. 7 MRSA §52, sub-§1, as enacted by PL 1989, c. 478, §1, is amended to read:

1. Abutting land. "Abutting land" means real estate ~~which~~ that shares a common boundary, or por-

tion 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~~ 50 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~~ 50 feet of land that is held in common ownership with land registered or being considered for registration under this chapter.

Sec. 2. 7 MRSA §52, sub-§3-A, as enacted by PL 2007, c. 649, §2, is amended to read:

3-A. Farm product. "Farm product" means those plants and animals useful to humans 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, Christmas trees and other similar products.

Sec. 3. 7 MRSA §52, sub-§4, as enacted by PL 1989, c. 478, §1, is amended to read:

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~~ annual farming income of at least \$2,000 per year from the sales value of farm products in one of the 2, or 3 of the 5, calendar years preceding the date of application for registration under this chapter; and
- ~~C. Where use of agricultural chemicals has occurred; and~~
- D. That ~~includes only the~~ is land on which ~~the crop~~ a farm product is produced.

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

Sec. 4. 7 MRSA §52, sub-§6 is enacted to read:

6. Incompatible use. "Incompatible use" means the development or use of abutting land for a well, drinking water spring or water supply intake point when that use is initiated on abutting land that is within 50 feet of farmland after that farmland has been registered under this chapter.

Sec. 5. 7 MRSA §53-A, as enacted by PL 1989, c. 478, §1, is amended to read:

§53-A. Eligibility

Any owner who intends to register land as farmland pursuant to section 53-B shall: