

## §52. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 478, §1 (NEW).]

**1. Abutting land.** "Abutting land" means real estate that 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 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 50 feet of land that is held in common ownership with land registered or being considered for registration under this chapter.

[PL 2011, c. 608, §1 (AMD).]

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

[PL 1989, c. 478, §1 (NEW).]

**3. Commercial farming.** "Commercial farming" means the production of any farm product with the intent that that farm product be sold or otherwise disposed of to generate income.

[PL 2007, c. 649, §1 (AMD).]

**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.

[PL 2019, c. 310, §2 (AMD).]

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

A. That consists of 5 or more contiguous acres; [PL 1989, c. 478, §1 (NEW).]

B. That has produced a gross 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 [PL 2011, c. 608, §3 (AMD).]

C. [PL 2011, c. 608, §3 (RP).]

D. That is land on which a farm product is produced. [PL 2011, c. 608, §3 (AMD).]

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

[PL 2011, c. 608, §3 (AMD).]

**5. Inconsistent development or use.** "Inconsistent development or use":

A. Means development or use of land which:

(1) Is initiated after the registration of the abutting farmland under this chapter;

(2) Takes place upon abutting land within 100 feet of registered farmland; and

(3) Is of any of the following kinds or is used for any of the following purposes:

(a) Residential buildings;

(b) Public and private wells, drinking water springs and water supply intake points;

(c) School buildings and any playgrounds, athletic fields or other school facilities designed for use by children in the vicinity of school buildings;

(d) Commercial establishments dispensing or selling food; and

(e) Public and commercial campgrounds and picnic areas; and [PL 1989, c. 478, §1 (NEW).]

B. Does not include any:

- (1) Expansion of an existing use, provided that, when the existing use includes a building, the expansion does not increase the total floor area of the building by more than 100% and the expansion is no closer to the registered farmland than is the existing building; or
- (2) Replacement or reconstruction of an existing building or structure which is damaged or destroyed by fire or other casualty and which is replaced or reconstructed within 2 years of such damage or destruction. [PL 1989, c. 478, §1 (NEW).]

[PL 1989, c. 478, §1 (NEW).]

**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.

[PL 2011, c. 608, §4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 478, §1 (NEW). PL 2007, c. 649, §§1, 2 (AMD). PL 2011, c. 608, §§1-4 (AMD). PL 2017, c. 94, §2 (AMD). PL 2019, c. 310, §2 (AMD).

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