

## **125th MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2012**

Legislative Document

No. 1649

S.P. 548

In Senate, December 21, 2011

An Act To Authorize the Registration of Farmland in 2012 and 2013

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator SAVIELLO of Franklin. Cosponsored by Representative BLACK of Wilton.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** maintaining agricultural production capacity is vital to rural economies; 4 and
- 5 **Whereas,** conflict may arise from siting nonfarm development adjacent to farmland; 6 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,
- 11 Be it enacted by the People of the State of Maine as follows:
- 12 Sec. 1. 7 MRSA §53-A, as enacted by PL 1989, c. 478, §1, is amended to read:
- 13 **§53-A. Eligibility**
- 14 Any owner who intends to register land as farmland pursuant to section 53-B shall:

Application. Submit an application for review by the soil and water conservation
 district in which the land is located in accordance with the provisions of Title 12, section
 6-A. Owners of land must apply for review by March 1st of the year in which
 registration is desired. The owner shall use an application provided by the department;

- Notice of intent. Give notice of intent to register to all abutting landowners, as
   indicated on municipal or state tax records, by May 15th of the year in which registration
   is desired a minimum of 15 days prior to submitting registration materials under section
   53-B. Abutters shall must be notified on a form provided by the department; and
- **3. Farm and Open Space Tax Law.** Only register land classified as farmland under
   the Farm and Open Space Tax Law, Title 36, chapter 105, subchapter X <u>10</u>.
- 25 Sec. 2. 7 MRSA §53-B, sub-§1-A is enacted to read:
- 1-A. Additional registration period. In addition to registering farmland within the
   registration period established under subsection 1, a landowner may register farmland
   under this chapter from July 1, 2012 to December 31, 2013.
- Sec. 3. 7 MRSA §53-B, sub-§3, as enacted by PL 1989, c. 478, §1, is amended to
   read:

31 **3. Effective date.** A registration shall take takes effect 15 days after receipt of 32 notice by the municipality and abutting owners if the notification requirement under 33 section 53-D is met and review proceedings under section 54 are not initiated. If review 34 proceedings are initiated under section 54 the registration is effective when upheld by the 35 municipality.

Sec. 4. 7 MRSA §56, sub-§3, ¶A, as enacted by PL 1989, c. 478, §1, is amended 1 2 to read: 3 A. Any For land adjacent to farmland registered in 1990 or 1991, a lot or parcel of land which that, together with any adjoining lot or parcel in the same ownership, was 4 5 one acre or less in area as of January 1, 1988; 6 Sec. 5. 7 MRSA §56, sub-§3, ¶A-1 is enacted to read: 7 A-1. For land adjacent to farmland registered in 2012 or 2013, a lot or parcel of land that, together with any adjoining lot or parcel in the same ownership, was one acre or 8 less in area as of January 1, 2012; 9 Sec. 6. 12 MRSA §6-A, last ¶, as enacted by PL 1989, c. 478, §2, is amended to 10 11 read: A district shall complete its review under this section must be completed by May 1st 12 of the calendar year in which the application is made within 60 days of receiving an 13 application. 14 15 **Emergency** clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. 16 17 **SUMMARY** 18 This bill allows a landowner to register farmland in 2012 and 2013 under the Maine Revised Statutes, Title 7, chapter 2-B. Under current law, the time period for registering 19 20 farmland is limited to between June 1st and June 15th in 1990 and 1991. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices 21 22 without adversely affecting neighboring landowners.