1	L.D. 641
2	Date: (Filing No. S-)
3	ENVIRONMENT AND NATURAL RESOURCES
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to S.P. 231, L.D. 641, Bill, "An Act To Exempt Farmers from Certain Oversight in Shoreland Areas"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas'
14 15	Amend the bill by striking out everything after the title and before the summary and inserting the following:
16 17	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
18 19 20	Whereas, changes to the requirement that farmers must ensure that a person certified in erosion control practices be present during earth-moving activity are needed for the current growing season; and
21 22	Whereas, the 2013 growing season will begin prior to the effective date of nonemergency legislation; and
23 24 25 26	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,
27	Be it enacted by the People of the State of Maine as follows:
28	Sec. 1. 38 MRSA §436-A, sub-§1-B is enacted to read:
29 30 31 32 33	1-B. Agriculture. "Agriculture" means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

2	Sec. 2. 38 MRSA §439-B, sub-§3, as enacted by PL 2007, c. 593, §2, is repealed and the following enacted in its place:
3	3. Application. This section does not apply to:
4 5	A. Activities resulting in less than one cubic yard of earth material being added or displaced;
6 7	B. A person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and
8 9	C. Municipal, state and federal employees engaged in projects associated with that employment.
10 11	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'
12	SUMMARY
13 14 15 16	This amendment replaces the bill. It exempts persons engaged in agriculture or timber harvesting and certain municipal, state and federal employees from the law requiring that a person certified in erosion control practices be present during certain earth-moving activity in a shoreland area. It also adds a definition of "agriculture" to the laws governing mandatory shoreland zoning.