

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND FIFTEEN

—
 H.P. 411 - L.D. 598

An Act To Strengthen the Maine Agriculture Protection Act

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

Sec. 1. 7 MRSA §152, sub-§2, as enacted by PL 2007, c. 649, §3, is amended to read:

2. Agricultural products. "Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

Sec. 2. 7 MRSA §154, as enacted by PL 2007, c. 649, §3, is amended to read:

§154. Violation of municipal ordinances

A ~~method of farm operation used by a farm or farm operation or agricultural composting operation~~ located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the ~~method of operation~~ constitutes farm operation or agricultural composting operation conforms to best management practices as determined by the commissioner in accordance with section 153, subsection 1.

Sec. 3. 7 MRSA §155, as enacted by PL 2007, c. 649, §3, is amended to read:

§155. Application; municipal ordinances

This chapter does not affect the application of state and federal laws. A municipality must provide the commissioner with a copy of any proposed ordinance that affects farm operations or agricultural composting operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance

to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality as to whether the proposed ordinance restricts or prohibits the use of best management practices. This section does not affect municipal authority to enact ordinances.