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

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, 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 §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:

1. 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;

2. 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~~10.

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:

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

Sec. 4. 7 MRSA §56, sub-§3, ¶A, as enacted by PL 1989, c. 478, §1, is amended to read:

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 one acre or less in area as of January 1, 1988;

Sec. 5. 7 MRSA §56, sub-§3, ¶A-1 is enacted to read:

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 less in area as of January 1, 2012;

Sec. 6. 12 MRSA §6-A, last ¶, as enacted by PL 1989, c. 478, §2, is amended to read:

~~A district shall complete its review under this section must be completed by May 1st of the calendar year in which the application is made within 60 days of receiving an application.~~

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

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 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 without adversely affecting neighboring landowners.