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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE CRIMINAL JUSTICE &
PUBLIC SAFETY

IN SUPPORT OF LD 2053

*An Act to Exempt Buildings Used to Cultivate Crops from the
Maine Uniform Building and Energy Code*

January 22, 2024

Senator Beebe-Center, Representative Salisbury, and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Craig Lapine; I am the Bureau Director of the Bureau of Agriculture, Food and Rural Resources within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking in support of LD 2053, *An Act to Exempt Buildings Used to Cultivate Crops from the Maine Uniform Building and Energy Code*.

DACF's Bureau of Agriculture, Food and Rural Resources is dedicated to advancing Maine's agricultural interests. The Bureau supports Maine's farms through various functions, including technical assistance, business support, marketing and promotion, and targeted loan and grant programs. It helps create opportunities for farms to succeed in growing and marketing food and fiber. It also provides public education on the importance of Maine agriculture to the state's food supply, rural communities, economic development, and natural resource protection. The Bureau is a critical resource for farmers regarding the issues that concern them most.

It's no secret that farming in Maine is often not lucrative. On-farm infrastructure investments are generally costly, and building permits, site plan reviews, and other fees add to this challenge. Permitting and assessment of agricultural structures is subject to the interpretation of municipal officials and is not necessarily uniform across municipalities. The Bureau frequently hears from frustrated farmers that municipalities do not apply a consistent approach to evaluating agricultural buildings for purposes of tax assessment or applying building and energy codes.

This legislation seeks to relieve challenges caused by varying interpretations by expressly stating that agricultural buildings used to house livestock, store harvested crops, or cultivate crops are not subject

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to the Maine Uniform Building and Energy Code. Crop storage and cultivation were not included in the current statute enacted in 2019, which has led to a degree of uncertainty in the application of the law. This Act seeks to resolve that uncertainty and requires that agricultural buildings be treated equally within the Maine Uniform Building and Energy Code.

The Department agrees that agricultural buildings used to house livestock, store harvested crops, or cultivate crops should not be assessed for property tax valuation and should not be required to meet technical building codes per 10 MRSA §9722(6). Structures that are exempt from conventional permitting or site plan review processes should be clearly identified to prevent confusion and inequitable assessments. This position aligns with the Maine Department of Agriculture, Conservation and Forestry's 2023 Bulletin "High Tunnels and Greenhouses: A Guide for Municipalities." To further add clarity, it is the Department's position that plastic-covered structures referred to as high tunnels and greenhouses, in most instances, should be assessed by municipalities as equipment or temporary structures and not as permanent buildings. Such structures are a cost-effective resource for farmers seeking to maximize crop production, shelter livestock, store equipment, protect soils from erosion, or shield crops from an increasingly unpredictable climate. It is important that they be delineated from traditional assessment and regulatory practices.

The Department strongly supports policies that alleviate burdens across Maine's agricultural community and create clarity for those interpreting and enforcing current laws and regulations. LD 2053 provides this clarity to the laws pertaining to Maine's agricultural buildings and is an important measure to support the viability of Maine's farm businesses.

Thank you for your time and consideration. I am glad to answer questions here or at the work session.