

## Appendix A: Laws and Regulations Obtaining to Agriculture

### Websites:

- ◆ **State Environmental Laws Affecting Maine Agriculture**

This guide is designed for use by farmers, ranchers, landowners, and their consultant in understanding the effect environmental laws have on agricultural operations. A project of the National Association of State Departments of Agriculture Research Foundation through the national Center for Agricultural Law Research and Information.

<http://www.nasda.org/nasda/nasda/Foundation/state/Maine.pdf>
- ◆ **US Environmental Protection Agency's agriculture laws and policies.**

This Link will take you to information on environmental laws that affect your agricultural operation. There are the full text of the major environmental statutes and summaries along with links to a wide range of information sources, and numbers to call for answers to your questions.

<http://www.epa.gov/oecaagct/lawpolicy.html>

  - ◆ On this site under the "Laws" section you will find EPA's "Agriculture Regulatory Matrix" which provides a succinct, general description of EPA's requirements for both regulatory and voluntary programs. Here you will also find links to major statutes (e.g.; clean air act, clean water act, oil pollution act...) that are of concern to agriculture.
  - ◆ In the agriculture "Policies & Guidance" section you will find General enforcement policies (e.g.; audit policy: incentives for self-policing, audit policy: interpretive guidance, small business compliance policy...) and statute-specific policy categories (e.g.; Clean air act enforcement, clean water act enforcement, pesticides enforcement...).
- ◆ **Farmland Information Center through USDA/NRCS**

This link will take you to a page which nicely lays out links to specific sections of laws/bill/statutes that pertain to agriculture as well as links to the Maine state constitution and legislator. It also has the status of bill currently in session.

Listed below are some links off of this website along with a brief description

  - ◆ Maine Right to Farm Enabling Statue.  
Title 17: Crimes, Chapter 91: Nuisances, Subchapter 3: Particular Nuisances. Farm, farm operation or agricultural composting operation not nuisance; use of best management practices  
<http://janus.state.me.us/legis/statutes/17/title17sec2805.html>
  - ◆ Here is the link and Summary of "An Act To Amend the Conservation Easement Laws"  
<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280024636&LD=1737&Type=1&SessionID=7>

Bill summary: This bill enacts changes to the laws governing the creation, alteration and termination of conservation easements. Under the bill, a court must find that a change of circumstances makes the conservation easement no longer in the public interest before the conservation easement may be terminated or amended in a manner that diminishes its conservation purposes. The bill also requires that future conservation easements must clearly recite the conservation purposes and public benefits of the easement. The bill further requires that future conservation easements include a statement of the power of the holder to amend the easement and be accompanied by documentation of the condition of the property. As necessary to future enforcement of conservation easements, holders are required to periodically monitor the condition of the property subject to the easement.

This bill also allows the Attorney General to be a party in any action affecting a conservation easement, as the Attorney General may with any charitable trust. The bill also provides that conservation easements will not be destroyed by reason of merger of the fee and easement holder's interests nor by tax foreclosure.

Finally, this bill establishes a conservation easement registration system administered by the Secretary of State and Executive Department, State Planning Office with a modest annual filing fee, and requires that the transfer tax form for property subject to a conservation easement disclose that notice of the property's transfer has been given to the holder of the easement.

- ◆ Here is an example of a bill that is "stuck" in the process. It will either get filed away or if people start to contact their senators to push the bill to the next step than it might pass. Here is a summary of bill LD 1713. This resolve directs the Department of Agriculture, Food and Rural Resources to develop a pilot program to discourage commercial and residential development outside of growth areas established by municipalities and to encourage farmers to defer development of actively productive farmlands through the purchase of limited-term deed restrictions. It requires the department to implement a pilot program and the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry annually for the duration of the pilot project.  
<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280024617&LD=1713&Type=1&SessionID=7>
- ◆ This bill is still in the process of being passed. You can read about Bill 1684: An Act to Create the Maine Agriculture Protection Act. The bill in its entirety and status can be found at the link provided below the bill's summary. This bill repeals the Maine Revised Statutes, Title 17, section 2805, which deals with certain farms or farm operations that are exempt from being classified as a nuisance and with the use of best management practices. The bill also establishes the Agriculture Protection Act in Title 7. The bill establishes incentives to conserve and protect current agricultural land and enterprises

and to further encourage agricultural development. The bill allows the State to create agriculture protection areas to foster and strengthen agriculture development.

<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280024561&LD=1684&Type=1&SessionID=7>

- ◆ Here is a link to a bill LD 852: An Act To Adjust the Levels of the State's Dairy Stabilization Program that passed on 6/8/07. This bill prohibits a retail store from selling milk for a price that exceeds by 10% the minimum retail price established for payment by consumers by the Maine Milk Commission. The bill exempts sales of organic milk and sales to consumers by producer-dealers from the prohibition on excessive retail pricing. The bill includes interest and depreciation on machinery and equipment within the 3-tiered system of dairy stabilization support.  
<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280023472&LD=852&Type=1&SessionID=7>

This link lays out links to specific sections of federal laws/bill/statutes that pertain to agriculture. It also has the status of bills currently in session.

[http://farmlandinfo.org/farmland\\_preservation\\_laws/index.cfm?](http://farmlandinfo.org/farmland_preservation_laws/index.cfm?)

- ◆ To view the entire farm bill of 2002 go to  
[http://farmlandinfo.org/documents/30900/2002\\_Farm\\_Bill.pdf](http://farmlandinfo.org/documents/30900/2002_Farm_Bill.pdf)
- ◆ There is a new bill that is trying to be passed called the Healthy Farms, Foods, and Fuels Act of 2007 (Introduced and is now in the House). To learn more about this bill go to the following link: <http://thomas.loc.gov/cgi-bin/query/F?c110:1:./temp/~c110bqHX5A:e2342>

- ◆ **An Act Concerning the Sustainable Use of and Planning for Water Resources**

This link will take you directly to this act (Public Law, Chapter 339, L.D. 1734) where you will find waste management fees, maximum fees in dollars, and the formation of a water resources planning committee.

<http://janus.state.me.us/legis/ros/lom/LOM123rd/PUBLIC399.asp>

- ◆ **An Act to Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection**

This link will take you directly to this act (Public law, Chapter 353, L.D. 1888) where you can read what is written on loan application, community public water system, and primary protection area, protected natural resource, water supply notification and review, delegation of review authority to the department of health and human services or to a community public water system, transportation reconstruction or replacement project within a community public water system primary protection area, community public water systems, and rulemaking and

implementation date.

<http://janus.state.me.us/legis/ros/lom/LOM123rd/PUBLIC353.asp>

- ◆ **ME Department of Agriculture, Food and Rural Resources**  
This link will take you to the Agricultural Water Management Program where you will find links to information about: irrigation, irrigation consultants, irrigation suppliers, water withdrawal law, water law reporting form, and water management  
<http://www.maine.gov/agriculture/mpd/business/irrigation/index.html>
  
- ◆ **ME Department of Agriculture, Food and Rural Resources**  
This link will take you to laws and rules pertaining to Maine agriculture (Title 7: Agriculture and Animals). <http://www.maine.gov/agriculture/laws/index.html>
  - ◆ **Part 10: Nutrient Management; Chapter 747: Nutrient Management Act**  
<http://janus.state.me.us/legis/statutes/7/title7sec353.html>
  - ◆ **Chapter 565: Nutrient management Rules**  
<http://www.maine.gov/sos/cec/rules/01/001/001c565.doc>
  - ◆ **Title 7; Chapter 13: Agricultural Water management and Irrigation**  
Here you will find the sustainable agricultural water source program.  
<http://janus.state.me.us/legis/statutes/7/title7sec353.html>
  
- ◆ **Title 12: Conservation; Part 2: Forests, Parks, Lakes and Rivers**  
**Chapter 201-B: Water Wells Heading**  
<http://janus.state.me.us/legis/statutes/12/title12sec550-B.html>
  
- ◆ **ME Department of Environmental Protection, Bureau of Remediation and Waste Management**  
This link will take you to Underground Oil Storage Tanks Statutes, Rules and Policies (e.g. chapter 691-rules for underground oil storage facilities, siphon piping policy, precision testing requirement for suction piping, US Environmental Protection Agency office of underground storage tanks, Chapter 691 rules for underground oil storage facilities corrected April 28, 2004...)  
<http://www.maine.gov/dep/rwm/ust/statutesrules.htm>
  
- ◆ **Maine Board of Pesticides Control**  
This link will take you to the laws and regulations that surround pesticide control. This website is set up so you can choose which rule number you want and be linked to the full written rule. If you aren't sure which rule you want, each number has a title with a brief description which makes it easy to wade through the information.  
<http://www.maine.gov/agriculture/pesticides/laws/regs.htm>
  - ◆ **Municipal Pesticide Ordinance List**  
At this site you can find a list of pesticide ordinances by municipality.  
[http://mainegov-images.informe.org/agriculture/pesticides/pdf/municipal\\_list.pdf](http://mainegov-images.informe.org/agriculture/pesticides/pdf/municipal_list.pdf)
  - ◆ **Chapter 29: Standards For Water Quality Protection**  
[http://www.maine.gov/agriculture/pesticides/laws/documents/Ch29\\_1-25-08\\_final.doc](http://www.maine.gov/agriculture/pesticides/laws/documents/Ch29_1-25-08_final.doc)

- ◆ **Federal Insecticide, Fungicide, and Rodenticide Act.**  
<http://agriculture.senate.gov/Legislation/Compilations/Fifra/FIFRA.pdf>
  
- ◆ **United States Department of Agriculture, Laws and Regulations**  
 This link will take you to USDA's page where they created links to regulations and directives that were developed by USDA to ensure compliance with all relevant federal laws, executive orders, directives, and policies. Some of the links are to Regulations.gov, food distribution regulations, food safety regulations and policies, and animal and plant health regulations.  
[http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_10B?navid=REGS\\_DIRECTIVES&parentnav=LAWS\\_REGS&navtype=RT](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_10B?navid=REGS_DIRECTIVES&parentnav=LAWS_REGS&navtype=RT)
  
- ◆ **Waters and Navigation**  
 This link will take you to Title 38; Chapter 3: Protection and Improvement of Waters. Here you will find all the laws surrounding protection and improvements of waters. This link is a general link to the chapter's main page but below it you will see several more links that go directly to some subchapters.  
<http://janus.state.me.us/legis/statutes/38/title38ch3sec0.html>
  - ◆ **Groundwater Protection Program: Findings; Purpose**  
<http://janus.state.me.us/legis/statutes/38/title38ch3sec0.html>
  - ◆ **Groundwater Protection Program: Research**  
<http://janus.state.me.us/legis/statutes/38/title38sec402.html>
  - ◆ **Groundwater Protection Program: Groundwater Quality**  
<http://janus.state.me.us/legis/statutes/38/title38sec403.html>
  - ◆ **Groundwater Protection Program: Groundwater Rights**  
<http://janus.state.me.us/legis/statutes/38/title38sec404.html>
  - ◆ **Pollution Control: Manure Spreading**  
<http://janus.state.me.us/legis/statutes/38/title38sec417-A.html>

**Also under Title 38: Waters and Navigation**

- ◆ **Chapter 26: Toxics use and hazardous waste reduction**  
<http://janus.state.me.us/legis/statutes/38/title38ch26sec0.html>
  
- ◆ **An Act To Protect shellfish Waters and Shellfish Resources from Coastal Pollution**  
 Here you will find a link that will take you to the above act. This is important to anyone living near the coast of Maine. This is a new act that has been put into place.  
<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280027815&LD=2160&Type=1&SessionID=7>

**Documents:**

- ◆ *Chapter 1: Integrated Pest Management Policy.* Department of the Interior's Departmental Manual from the office of Environmental Policy and Compliance. Effective date 5/31/2007

- ◆ *Major Existing EPA Laws and Programs That Could Affect Agricultural Producers.* Environmental Protection Agency Agricultural Counselor, Office of the Administrator. This document was published 7/2007.
- ◆ *Federal Environmental Laws Affecting Agriculture.* This is a project of the National Association of State Departments of Agriculture Research Foundation through the National Center for Agricultural Law Research and Information.
- ◆ *Pesticide Use and Water Quality: Are the Laws Complementary or in Conflict?* Congressional Research Service, The Library of Congress. Updated 6/3/2005. This report provides background on the emerging conflict over interpretation and implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Clean Water Act (CWA).