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Resolve, Directing the Department of Agriculture, Food and Rural Resources To Implement a Pilot Program To Preserve Agricultural Land

Sec. 1 Pilot program to preserve agricultural land. Resolved: That the Department of Agriculture, Food and Rural Resources, referred to in this resolve as “the department,” shall establish a 5-year pilot program, referred to in this resolve as “the pilot program,” that is designed 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; and be it further

Sec. 2 Selection of region or regions. Resolved: That the department shall select one or more regions of the State to participate in the pilot program. In selecting the region or regions to participate in the pilot program, the department shall select areas in the State:

1. That are productive or active agricultural areas; and
2. Within which farming is at risk due to nonagricultural development pressures; and be it further

Sec. 3 Implementation of pilot program. Resolved: That the department shall implement the pilot program within the region or regions selected in accordance with section 2 in accordance with the following.

1. A recipient under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 4 of a permit for a subdivision lying outside a municipally established growth area under Title 30-A, chapter 187 shall remit to the department a fee per lot or acre. The Executive Department, State Planning Office shall provide technical assistance to the department on aspects related to locally designated growth areas.

2. A recipient under the laws governing the site location of development of a permit for commercial retail development outside a municipally established growth area under Title 30-A, chapter 187 shall remit to the department a fee for each affected acre.

3. The department shall establish the Farmland Protection Fund, referred to in this section as “the fund,” as a nonlapsing interest-bearing fund within the department. The fund consists of fees collected by the department pursuant to subsections 1 and 2. Unless otherwise provided for, any funds remaining in the fund at the conclusion of the pilot project lapse to the General Fund.

4. The department shall purchase limited-term deed restriction covenants from farmers who agree to not develop the encumbered acreage during the contract period. The department shall establish a mechanism for equitable valuation of the covenants based on actual real estate market conditions. The department shall establish criteria for eligibility for participation in this portion of the pilot program that address the following:

- A. Any limitations associated with the schedule of productive farmland soils;
- B. A limit on the percentage of timberland eligible for participation;
- C. A test of farm enterprise and economic viability; and

D. A mechanism to target purchases in geographic areas identified by the department as being at risk due to nonagricultural land development pressures; and be it further

Sec. 4 Initial report. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2008 a description of the pilot program and the scope and status of the pilot program; and be it further

Sec. 5 Annual reports. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall report annually for the duration of the pilot project to the joint standing committee of the Legislature having jurisdiction over agriculture matters. The report may include recommendations to the committee, including any legislation necessary to implement recommendations for expanding or for revising and expanding the pilot program. The committee may submit legislation to implement recommendations concerning the pilot program.

SUMMARY

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.