

**Maine Revised Statute Title 7, Chapter 747: NUTRIENT MANAGEMENT ACT**

**Table of Contents**

**Part 10. NUTRIENT MANAGEMENT .....**

Section 4201. DEFINITIONS..... 3

Section 4202. DUTIES OF THE COMMISSIONER..... 4

Section 4203. NUTRIENT MANAGEMENT REVIEW BOARD..... 4

Section 4204. NUTRIENT MANAGEMENT PLAN..... 6

Section 4205. LIVESTOCK OPERATIONS PERMIT..... 9

Section 4206. RULEMAKING (REPEALED)..... 10

Section 4207. WINTER SPREADING OF MANURE PROHIBITED..... 10

Section 4208. NUTRIENT MANAGEMENT FUND..... 10

Section 4209. PENALTIES (REPEALED)..... 11

Section 4210. REVOCATION OF CERTIFICATION..... 11

Section 4211. REVOCATION OF LIVESTOCK OPERATIONS PERMIT..... 11

Section 4212. MORATORIUM ON SWINE FEEDING OPERATION..... 12

Section 4213. ANNUAL REPORT; DEPARTMENT OF AGRICULTURE, FOOD AND  
RURAL RESOURCES..... 12

Section 4214. NUTRIENT MANAGEMENT PLANS FOR FISH HATCHERIES..... 12



## 7 §4201. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 642, §2 (NEW).]

**1. Animal feeding operation.** "Animal feeding operation" means a lot or facility where animals are confined and fed for a total of at least 45 days in a 12-month period. "Animal feeding operation" does not include an aquatic animal production facility.

[ 1997, c. 642, §2 (NEW) .]

**2. Animal unit.** "Animal unit" means 1,000 pounds of animal body weight.

[ 1997, c. 642, §2 (NEW) .]

**3. Board.** "Board" means the Nutrient Management Review Board established in section 4203.

[ 1997, c. 642, §2 (NEW) .]

**4. Farm nutrient.** "Farm nutrient" means a substance or recognized plant nutrient, element or compound that is used or sold for its plant nutritive content or its claimed nutritive value for use in growing crops. The term includes, but is not limited to, livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge, residuals or combinations of these.

[ 1997, c. 642, §2 (NEW) .]

**5. Nutrient management plan.** "Nutrient management plan" means a written document that outlines how farm nutrients are stored, managed and utilized on the farm for which the plan is written.

[ 1997, c. 642, §2 (NEW) .]

**6. Regulated residual.** "Regulated residual" means a residual regulated by the Department of Environmental Protection pursuant to Title 38, chapter 13 that is used primarily for its nitrogen and phosphorous value as determined by the Department of Agriculture, Food and Rural Resources. "Regulated residual" does not include compost in quantities less than 100 tons per year or wood ash.

[ 2003, c. 283, §1 (AMD) .]

**7. Residual.** "Residual" means any material generated as a byproduct of a nonagricultural production or treatment process that has value as a source of crop nutrients or soil amendment.

[ 1997, c. 642, §2 (NEW) .]

**8. Verified complaint of improper manure handling.** "Verified complaint of improper manure handling" means a complaint of improper manure handling investigated in accordance with Title 17, section 2701-B and resulting in a determination by the commissioner that the manure has been stored or handled in a manner that does not conform with best management practices.

[ 1997, c. 642, §2 (NEW) .]

### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §1 (AMD). 2003, c. 283, §1 (AMD).

## 7 §4202. DUTIES OF THE COMMISSIONER

The commissioner shall implement a program to promote responsible use of farm nutrients in accordance with this chapter. The commissioner has the powers and duties as set forth in this section. [1997, c. 642, §2 (NEW).]

**1. Nutrient management plans.** In accordance with Title 5, chapter 375, the commissioner shall adopt rules to establish minimum requirements for nutrient management plans required under section 4204, a process for review of the nutrient management plans, periodic revisions to plans and determination of compliance with the plans. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The commissioner shall maintain a list of farms that have a nutrient management plan based on notification received pursuant to section 4204, subsection 3.

[ 1997, c. 642, §2 (NEW) .]

**2. Certification of persons to prepare nutrient management plans.** The commissioner shall develop a program to train and certify persons in the preparation of nutrient management plans. The commissioner may establish minimum educational requirements for persons eligible for certification. The commissioner may revoke a certification in accordance with section 4210.

[ 1999, c. 530, §2 (AMD) .]

**3. Livestock operations permits.** The commissioner shall issue livestock operations permits in accordance with section 4205. The commissioner may revoke a livestock operations permit in accordance with section 4211.

[ 1999, c. 530, §2 (AMD) .]

**4. Educational outreach.** The commissioner shall conduct an educational outreach program for the agricultural community to increase awareness of the provisions of this chapter and the need for nutrient management planning. The commissioner shall inform the public about manure-related issues and the department's efforts to address manure-related issues.

[ 1997, c. 642, §2 (NEW) .]

**5. Enforcement.** Whenever it appears to the commissioner that there is or has been a violation of this chapter, rules adopted under this chapter or the conditions of a permit or variance issued under this chapter, the commissioner may initiate an enforcement action.

[ 1997, c. 642, §2 (NEW) .]

### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §2 (AMD).

## 7 §4203. NUTRIENT MANAGEMENT REVIEW BOARD

The Nutrient Management Review Board is established pursuant to Title 5, section 12004-D, subsection 5. [1997, c. 642, §2 (NEW).]

**1. Duties.** The board's duties are as follows:

A. The board shall review and approve all proposed amendments to the original rules adopted in accordance with this chapter; [2003, c. 283, §2 (AMD).]

B. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding a livestock operations permit under section 4205, a request for a variance under section 4204, subsection 8 or a certification under section 4210, the board shall hold a hearing in

accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a permit or certification decision made by the commissioner. The board's decision is a final agency action; and [2003, c. 283, §2 (AMD).]

C. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding site-specific best management practices prescribed for a farm or other issue governed under section 156 or Title 17, section 2701-B, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a decision made by the commissioner. The board's decision is a final agency action. The board may also conduct an information-gathering meeting at the request of the department or any party with a legitimate interest to facilitate the complaint resolution process under section 156 or Title 17, section 2701-B. [2007, c. 649, §4 (AMD).]

[2007, c. 649, §4 (AMD).]

**2. Membership.** The board consists of 7 members appointed as follows:

A. One member from the University of Maine Cooperative Extension Service with expertise in agricultural production appointed by the Director of the Cooperative Extension Service; [1997, c. 642, §2 (NEW).]

B. The Commissioner of Environmental Protection or the commissioner's designee; [1997, c. 642, §2 (NEW).]

C. The commissioner or the commissioner's designee; and [1997, c. 642, §2 (NEW).]

D. Four other persons appointed by the Governor, consisting of:

(1) One member with expertise in nutrient management or soil science;

(2) One member actively involved in a livestock production operation with less than 300 animal units;

(3) One member actively involved in a livestock production operation with more than 300 animal units; and

(4) One member with an interest in nutrient management issues representing the general public. [1997, c. 642, §2 (NEW).]

[1997, c. 642, §2 (NEW).]

**2-A. Temporary membership.** When the subject matter of an appeal or complaint resolution process under this section is other than manure or nutrient management, the commissioner may appoint up to 3 temporary board members for the purpose of hearing an appeal, conducting an information-gathering meeting or facilitating the complaint resolution process under section 156. At least one temporary member must have expertise with the subject matter of the complaint or problem and one temporary member must represent the agricultural sector involved. The terms for temporary members expire when the board determines that it has taken final action on the appeal or complaint resolution process.

[2007, c. 649, §5 (AMD).]

**3. Terms of membership; chair.** Except for initial appointees, each member appointed by the Governor serves for a term of 4 years. In the case of a vacancy, the Governor shall appoint a member to fill the unexpired term. The Governor shall determine initial appointment terms to stagger term expirations. The board shall annually elect one of its members as chair.

[1997, c. 642, §2 (NEW).]

**4. Compensation.** Members of the board are entitled to expenses only.

[ 1997, c. 642, §2 (NEW) .]

**5. Staff.** The department shall provide staff to the board.

[ 1997, c. 642, §2 (NEW) .]

**6. Meetings.** The board shall meet twice a year with the commissioner to discuss the implementation and enforcement of the provisions of this chapter and as needed to perform its duties.

[ 1997, c. 642, §2 (NEW) .]

#### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §3 (AMD). 2003, c. 283, §§2,3 (AMD). 2007, c. 649, §§4, 5 (AMD).

## 7 §4204. NUTRIENT MANAGEMENT PLAN

**1. Nutrient management plan required.** A person who owns or operates a farm that meets the criteria established in subsection 2 shall have a nutrient management plan for that farm and shall implement the provisions in that plan by the dates specified for that category of farm in subsection 4, 5, 6 or 7. The nutrient management plan must be prepared by a person certified in accordance with section 4202, subsection 2 and must address the storage and utilization of all farm nutrients generated on or transported to the farm. A nutrient management plan developed by a farm owner or operator is deemed to have been prepared by a certified nutrient management specialist if a certified nutrient management specialist reviews the plan for compliance with this chapter, signs the plan and notifies the department in accordance with subsection 3.

- A. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- B. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- C. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- D. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- E. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- F. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- G. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]
- H. [2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. B, §24 (RP).]

[ 2003, c. 452, Pt. B, §24 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Plan requirements.** For livestock farms, the nutrient management plan must address storage and utilization of farm nutrients for the entire farm operation including leased or rented land. For crop farms, the plan must address storage and utilization of farm nutrients on land on which manure is utilized or stored. A nutrient management plan must include or provide for:

- A. Minimum distances between manure storage, stacking and spreading areas and property lines and surface water based on site-specific factors; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- B. Manure storage for a minimum of 180 days; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- C. Provisions for soil erosion control; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. [2005, c. 382, Pt. B, §2 (RP).]

E. Results of soil tests for land designated in the plan for manure spreading or manure irrigation; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

F. Results of manure tests; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

G. A statement of yield goals for land receiving farm nutrients; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

H. Additional information established through rulemaking; [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

I. Site-specific dates recommended for the spreading of manure and spraying or irrigation of liquid manure. In compliance with section 4207, the plan may not recommend spreading between December 1st of a calendar year and March 15th of the following calendar year; and [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

J. A recommended timetable for implementing the plan. [2003, c. 452, Pt. B, §25 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2005, c. 382, Pt. B, §2 (AMD) .]

**2. Farms requiring a nutrient management plan.** A farm that meets one or more of the following criteria is required to have a nutrient management plan:

A. A farm that confines and feeds 50 or more animal units at any one time; [1997, c. 642, §2 (NEW).]

B. A farm that stores or utilizes more than 100 tons of manure per year not generated on that farm; [2007, c. 240, Pt. ZZ, §1 (AMD).]

C. A farm that is the subject of a verified complaint of improper manure handling; or [1999, c. 530, §4 (AMD).]

D. A farm that stores or utilizes regulated residuals. [1997, c. 642, §2 (NEW).]

[ 2007, c. 240, Pt. ZZ, §1 (AMD) .]

**3. Responsibility of person preparing nutrient management plans.** Upon completion of a nutrient management plan, a person certified to prepare nutrient management plans in accordance with this chapter shall notify the department. The notification must include the name and address of the owner or operator of the farm and the location of the farm for which the plan was prepared. A person preparing a nutrient management plan required by this chapter shall adhere to rules adopted in accordance with this chapter pertaining to the preparation and requirements of the plan.

[ 1997, c. 642, §2 (NEW) .]

**4. Compliance date for farms operational on March 31, 1998.** Except for a farm requiring a livestock operations permit under section 4205 or as provided in subsection 8, an owner or operator of a farm that was operational on March 31, 1998 and meets the criteria established in subsection 2, paragraph A or B shall have a nutrient management plan prepared for that farm no later than January 1, 2001. Except as provided in subsection 8, the plan must be implemented no later than October 1, 2007.

[ 2001, c. 64, §1 (AMD) .]

**5. Compliance date for farms that were operational on March 31, 1998 that store or use regulated residuals.** An owner or operator of a farm that is required to have a nutrient management plan under subsection 2, paragraph D and that was operational on March 31, 1998 shall have that plan prepared by January 1, 2000. Except as provided in subsection 8, the plan must be implemented no later than January 1, 2000.

[ 1999, c. 530, §4 (NEW) .]

**6. Compliance date for farms becoming operational after March 31, 1998.** An owner or operator of a farm that is required to have a nutrient management plan under subsection 2 and that was not operational on March 31, 1998 shall have a nutrient management plan prepared before the farm becomes operational. Except as provided in subsection 8, the plan must be implemented at the time the farm becomes operational.

[ 1999, c. 530, §4 (NEW) .]

**7. Compliance date for farms subject of verified complaint.** When a farm is required to have a nutrient management plan under subsection 2, paragraph C, the commissioner shall establish a date by which the plan must be developed and a date for implementation of the plan.

[ 1999, c. 530, §4 (NEW) .]

**8. Variances.** For farms with compliance dates established in subsection 4, the commissioner may grant a variance from the date by which a nutrient management plan must be prepared and certified when the commissioner finds that technical assistance or resources are not available to complete and certify the plan by January 1, 2001. The commissioner may grant a variance from the implementation date in subsection 4, 5 or 6 when the commissioner finds that implementation of the plan would cause undue hardship. A person requesting a variance shall submit a request in writing to the commissioner at least 90 days prior to the applicable implementation date. The commissioner shall establish by rule criteria and a process for granting a variance. Factors considered must include protection of groundwater and surface water, cost of implementing the plan, availability of financial assistance to implement the plan and availability of technical assistance or resources to complete and certify the plan. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Notwithstanding the provisions of this subsection, a variance may not extend an implementation date beyond December 31, 2008. A person denied a variance by the commissioner may appeal that decision to the board.

[ 2001, c. 64, §2 (AMD) .]

**9. Violation.** The following are civil violations for which a fine of up to \$1,000 plus up to an additional \$250 per day for each day that the violation continues may be adjudged:

A. Failure to develop a nutrient management plan in accordance with this section; and [2003, c. 452, Pt. B, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Failure to implement a nutrient management plan in accordance with this section or rules adopted pursuant to this section. Prior to the development of a plan, a person is not subject to a penalty for failure to implement a nutrient management plan. [2003, c. 452, Pt. B, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. B, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**10. Nutrient management plan confidential.** A nutrient management plan prepared in accordance with this section is confidential and is not a public record as defined in Title 1, section 402, subsection 3. A copy of a nutrient management plan required under this section must be available to the commissioner or the commissioner's designee upon request.

[ 2003, c. 452, Pt. B, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §4 (AMD). 1999, c. 723, §1 (AMD). 2001, c. 64, §§1,2 (AMD). 2003, c. 452, §§B24-26 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 382, §B2 (AMD). 2007, c. 240, Pt. ZZ, §1 (AMD).

## 7 §4205. LIVESTOCK OPERATIONS PERMIT

**1. Operations requiring a livestock operations permit.** Beginning on January 1, 2000, a permit issued by the commissioner pursuant to subsection 2 is required for an animal feeding operation that meets one or more of the following criteria:

- A. The operation is a concentrated animal feeding operation as defined by rules adopted pursuant to this section; [1997, c. 642, §2 (NEW) .]
- B. The operation confines and feeds 300 or more animal units and prior to April 15, 1998 the operation did not confine and feed 300 or more animal units; or [1997, c. 642, §2 (NEW) .]
- C. Proposes an expansion beyond the operation's manure storage capacity or land base used for spreading. [1997, c. 642, §2 (NEW) .]

[ 1999, c. 530, §4 (AMD) .]

**2. Criteria for issuing permits; rulemaking.** An applicant for a permit required under this section must submit to the commissioner a nutrient management plan that meets the requirements established pursuant to section 4204. A nutrient management plan submitted in accordance with this subsection is confidential and is not a public record as defined in Title 1, section 402, subsection 3. Prior to issuing a permit, the commissioner or a designee of the commissioner shall inspect the operation and determine that the operation is in compliance with the nutrient management plan. The commissioner may issue a provisional permit in accordance with subsection 3. The commissioner shall adopt rules in accordance with Title 5, chapter 375 to establish a process for application review and issuing permits required under this section. The rules may establish permit application fees, inspection requirements and procedures for review by the board of permitting decisions. Rules initially adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. After July 1, 1999, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1999, c. 530, §4 (AMD) .]

**3. Provisional permit.** The commissioner may issue a provisional permit to an operation that is not in compliance with the farm's nutrient management plan at the time of inspection. In issuing a provisional permit, the commissioner shall consider existing nutrient management practices on the farm, the protection of groundwater and surface water, the cost of implementing the plan and the availability of financial assistance to implement the plan. A provisional permit must state the date by which the farm must be in compliance with the plan and may not be issued for a period of more than one year. Upon inspection and determination of compliance, the commissioner shall issue a permit in accordance with subsection 2 and the provisional permit expires. The commissioner shall adopt rules in accordance with Title 5, chapter 375 to establish a process for application review and issuing of provisional permits. Rules adopted in accordance with this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1999, c. 1, §6 (COR) .]

**4. Violation.** The following are civil violations for which a fine of up to \$1,000 plus up to an additional \$250 per day for each day that the violation continues may be adjudged:

A. Failure to obtain a livestock operations permit in accordance with this section; and [2003, c. 452, Pt. B, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Failure to comply with the conditions set forth in a livestock operations permit or a variance. [2003, c. 452, Pt. B, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. B, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §4 (AMD). RR 1999, c. 1, §6 (COR). 2003, c. 452, §B27 (AMD). 2003, c. 452, §X2 (AFF).

## 7 §4206. RULEMAKING

*(REPEALED)*

#### SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §5 (RP).

## 7 §4207. WINTER SPREADING OF MANURE PROHIBITED

**1. Winter spreading prohibited.** Except pursuant to a variance granted under subsection 2, a person may not spread manure on agricultural fields between December 1st of a calendar year and March 15th of the following calendar year. This prohibition includes the spreading of manure and spraying or irrigation of liquid manure.

[ 2003, c. 452, Pt. B, §28 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Variance.** Upon application to the commissioner, the commissioner may grant a variance to allow a person to spread manure during the winter due to financial hardship or other circumstances that necessitate the application. In granting a variance, the commissioner shall impose restrictions to minimize potential environmental degradation and prescribe actions to ensure future compliance.

[ 2003, c. 452, Pt. B, §28 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Violation.** A person who violates this section commits a civil violation for which a fine of up to \$1,000 per day for each day that spreading occurs may be adjudged.

[ 2003, c. 452, Pt. B, §28 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1997, c. 642, §2 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §B28 (RPR).

## 7 §4208. NUTRIENT MANAGEMENT FUND

There is established the nonlapsing Nutrient Management Fund. The commissioner may accept funds from any source designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to carry out the purposes of this Part. [1997, c. 642, §2 (NEW) .]

#### SECTION HISTORY

1997, c. 642, §2 (NEW).

**7 §4209. PENALTIES***(REPEALED)*

## SECTION HISTORY

1997, c. 642, §2 (NEW). 1999, c. 530, §6 (AMD). 2003, c. 283, §4 (AMD).  
 2003, c. 452, §X2 (AFF). 2003, c. 688, §A8 (AFF). 2003, c. 452, §B29  
 (RP). 2003, c. 688, §A7 (RP).

**7 §4210. REVOCATION OF CERTIFICATION**

If the commissioner finds that a person certified to prepare nutrient management plans has failed to comply with section 4204, subsection 3, the commissioner may revoke that person's certification in accordance with this section. [1999, c. 530, §7 (NEW).]

**1. Notice.** The commissioner shall give written notice of a revocation immediately following a decision to revoke. A notice of revocation must state the reason the certification is being revoked and the effective date of the revocation and must inform the person of the hearing provisions under subsection 2 and the appeals process before the board.

[ 1999, c. 530, §7 (NEW) . ]

**2. Hearing.** A person receiving a notice of revocation under subsection 1 may request a hearing on that revocation. A request for a hearing must be in writing and must be made no later than 30 days after receipt of the revocation notice required under subsection 1. The commissioner shall notify the person of the date and location of the hearing.

A person may present evidence at a hearing that might justify reinstatement of the certification.

[ 1999, c. 530, §7 (NEW) . ]

**3. Decisions; appeal.** Decisions of the commissioner must be in writing. The commissioner may reinstate the certification if the commissioner finds that the person has complied with section 4204, subsection 3. A person whose certification is revoked by the commissioner may appeal that decision to the board.

[ 1999, c. 530, §7 (NEW) . ]

## SECTION HISTORY

1999, c. 530, §7 (NEW).

**7 §4211. REVOCATION OF LIVESTOCK OPERATIONS PERMIT**

If the commissioner finds that a person issued a livestock operations permit has failed to comply with the provisions of that permit, the commissioner may revoke that person's permit. [1999, c. 530, §7 (NEW).]

**1. Notice.** The commissioner shall give written notice of a revocation immediately following a decision to revoke. A notice of revocation must state the reason the permit is being revoked and the effective date of the revocation and must inform the person of the hearing provisions under subsection 2 and the appeals process before the board.

[ 1999, c. 530, §7 (NEW) . ]

**2. Hearing.** A person receiving a notice of revocation under subsection 1 may request a hearing on that revocation. A request for a hearing must be in writing and must be made not later than 30 days after receipt of the revocation notice required under subsection 1. The commissioner shall notify the person of the date and location of the hearing.

A person may present evidence at a hearing that might justify reinstatement of the permit.

[ 1999, c. 530, §7 (NEW) .]

**3. Decisions; appeal.** Decisions of the commissioner must be in writing. A person whose permit is revoked by the commissioner may appeal that decision to the board.

[ 1999, c. 530, §7 (NEW) .]

#### SECTION HISTORY

1999, c. 530, §7 (NEW) .

## 7 §4212. MORATORIUM ON SWINE FEEDING OPERATION

Notwithstanding section 4205, a person may not construct or operate a new swine feeding operation that confines and feeds 500 or more swine. For the purposes of this section, "new swine feeding operation that confines and feeds 500 or more swine" means a lot or facility where 500 or more swine are confined and fed that was not operating as a swine feeding operation on March 1, 1998. This section is repealed October 1, 2001. [1999, c. 530, §7 (NEW).]

#### SECTION HISTORY

1999, c. 530, §7 (NEW) .

## 7 §4213. ANNUAL REPORT; DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

The commissioner shall report to the joint standing committee having jurisdiction over agricultural matters no later than February 15th of each year on the implementation of this chapter. The report must include the number of people certified to prepare nutrient management plans, a summary of the notifications received for nutrient management plans, the number of applications for livestock operations permits and the number of permits issued, availability of financing or financial assistance for animal waste storage facilities and barriers to implementation of this chapter. The report must also include a summary of permitting activity for animal feeding operations in this State under the National Pollutant Discharge Elimination System.

[1999, c. 530, §7 (NEW) .]

#### SECTION HISTORY

1999, c. 530, §7 (NEW) .

## 7 §4214. NUTRIENT MANAGEMENT PLANS FOR FISH HATCHERIES

**1. Nutrient management plan required for fish hatcheries.** A person who owns or operates a fish hatchery, not including an off-shore marine aquaculture operation in estuarine or marine waters, must have and implement a nutrient management plan for the fish waste from the hatchery by the date specified in rules adopted pursuant to subsection 2. The commissioner shall maintain a list of fish hatcheries that have a nutrient management plan.

[ 1999, c. 726, §1 (NEW) .]

**2. Rules for fish hatcheries.** In accordance with Title 5, chapter 375, the commissioner shall adopt rules to establish requirements for nutrient management plans for fish hatcheries, compliance schedules for fish hatcheries, a process for review of the nutrient management plans, periodic revisions of plans and determination of compliance with the plans. A nutrient management plan for a fish hatchery must address storage, management and use of fish waste from the hatchery with the goal of improving water quality.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1999, c. 726, §1 (NEW) . ]

SECTION HISTORY

1999, c. 726, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 124th Legislature, and is current through December 31, 2009, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.