

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 231 - L.D. 641**An Act To Exempt Agriculture, Timber Harvesting and Public Employees
from Certain Oversight in Shoreland Areas**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes to the requirement that farmers must ensure that a person certified in erosion control practices be present during earth-moving activity are needed for the current growing season; and

Whereas, the 2013 growing season will begin prior to the effective date of nonemergency legislation; 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. 38 MRSA §436-A, sub-§1-B is enacted to read:

1-B. Agriculture. "Agriculture" means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

Sec. 2. 38 MRSA §439-B, sub-§3, as enacted by PL 2007, c. 593, §2, is repealed and the following enacted in its place:

3. Application. This section does not apply to:

A. Activities resulting in less than one cubic yard of earth material being added or displaced;

B. A person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and

C. Municipal, state and federal employees engaged in projects associated with that employment.

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