



University of Arkansas Division of Agriculture

An Agricultural Law Research Project

## **Application Restrictions Statutes & Regulations**

**Maine**

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## Application Restrictions

### STATE OF MAINE

- 1) 7 M.R.S. § 4207; C.M.R. 01-001-565 § 5
- 2) 38 M.R.S. § 417-A
- 3) 38 M.R.S. § 418-B

*The statutes and Constitution are current through the 2018 regular and special legislative sessions. The statutes are subject to changes by the Maine Revisor of Statutes.*

#### 1) 7 M.R.S. § 4207; C.M.R. 01-001-565 § 5

##### § 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.

**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.

**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.

#### Section 5. Winter Manure Spreading Ban.

In accordance with 7 M.R.S. §4207, a person may not spread manure on agricultural fields from December 1 of a calendar year through March 15 of the following calendar year.

1. Variance. The Commissioner may grant a variance on the Winter Manure Spreading Ban.

A. Variance Request Criteria. A person requesting a variance shall submit a written request to the Commissioner that includes:

- (1) The operation location;
- (2) The reason(s); and

(3) Any relevant information supporting the request.

B. Emergency. An emergency request may be made verbally to the Commissioner (or designee), followed by a written request application to the Commissioner within 10 days of the verbal request.

C. Farms or farming operations that do not have a current, certified NMP, and which are granted a variance, shall conduct spreading operations in conformance with current BMPs as determined by the Department. Farms or farming operations that are granted a variance under this paragraph for two or more consecutive calendar years shall develop and implement an NMP, consistent with §6 of these Rules, within eight consecutive months of the second approved variance date.

D. Decision. Upon receipt of a variance request, the Commissioner shall make a decision<sup>[n3]</sup> and shall notify the person requesting the variance in writing, within 7 days. In time sensitive situations, the Commissioner (or designee) may verbally inform the person making the request of the decision, followed by a decision in writing as indicated.

E. Variance Denial. When the Commissioner denies a variance, the applicant must receive notice that includes:

- (1) The name and address of the person whose request for a variance has been denied;
- (2) A statement or list of reason(s) why the variance is denied; and
- (3) A reminder of the Winter Spreading Manure Ban effective dates.

F. Variance Duration. All variances issued by the Commissioner for a specific calendar year shall be valid for the dates specified by the Commissioner, and as requested for each calendar year.

[n3=The Commissioner's decision shall include, but not be limited to, consideration of such factors as a farm inspection, protection of groundwater and surface water, minimization of soil erosion, presence of actively-growing cover crops on tilled ground, availability of financial assistance, financial hardship or the variance applicant's proposal when provided.]

### **§417-A. Manure spreading**

Notwithstanding Title 7, section 4207, when the ground is frozen, a person may not spread manure on agricultural fields within a great pond watershed unless this activity is in accordance with a conservation plan for that land on file with a state soil and water conservation district.

### **3) 38 M.R.S. § 418-B**

#### **§ 418-B. Prohibition on application of fertilizers near great ponds**

Notwithstanding any other provision of law, a person may not apply a fertilizer containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer containing phosphorus or nitrogen within 25 feet but not closer than 10 feet of the normal high-water line of a great pond if applying the fertilizer using a drop spreader, rotary spreader with a deflector or targeted spray liquid. As used in this section, "fertilizer" has the same meaning as in section 419, subsection 1, paragraph A-3.