



Farmland Registration Fact Sheet (Form 1)

What is farmland registration?

In 1988, the Maine Legislature enacted a voluntary farmland registration program designed to protect the ability of farmers to engage in common agricultural activities with minimal potential of causing harm to their neighbors. The legislation provides covenants to farmland registered with local government. Owners of farmland must provide disclosure to adjacent properties and the public about setback restrictions on specific types of development on abutting land in the immediate vicinity of active farming operations.

This factsheet will provide information about farmland eligibility, development limitations on adjacent properties, exemptions, appeals, frequently asked questions, and the process of registering farmland.

Applicable statutes:

- [Registration of Farmland: 7 M.R.S. §§ 51-59](#)
- [Farmland Registration: 12 M.R.S. §6A](#)

Farmland Eligibility Requirements

- Eligible land must consist of 5 or more contiguous acres;
- Include commercial agricultural field(s) that are less than 50 or 100 feet from a parcel boundary;
- Be in use actively producing farm products defined as plants and animals useful to humans, including fruits, berries, vegetables, dairy products, livestock and livestock products, poultry and poultry products, grains, forages, flowers, seeds, grasses, bees, Christmas trees, maple syrup, and other similar products;
- Produce farm product sales grossing at least \$2,000 of annual income every other calendar year preceding the date of application for registration;
- Be certified by the governing county's [Soil and Water Conservation District](#); and
- Not include land used for woodlots, homes, farm buildings, roads, lawns or any area covered with non-crop vegetation.

Abutting Land

- **Abutting land** is real estate that shares a common boundary, or portion of a boundary, with registered farmland. Except in the case of the variance, a municipality may NOT issue a building or use permit allowing any prohibited development or use of land abutting registered farmland.

Prohibition of Incompatible Use within 50 feet of registered farmland

- Farmland registered after July 1, 2012 prohibits Incompatible Use within 50 feet of registered farmland.
- **Incompatible Use** means the construction of new wells, drinking water springs, or water supply intake points. For example, if a field of registered farmland is 20 feet from a property boundary line, the owner(s) abutting land is prohibited from installing any new wells, within 30 feet of that boundary line.



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Prohibition of Inconsistent Development or Use within 100 feet of registered farmland

- Any farmland registered between June 1st and June 15th of 1990 or 1991, renewed by April 1, 2013, and with continuous renewal, may prohibit Inconsistent Development or Use within 100 feet of registered farmland.
- **Inconsistent Development or Use** means the construction of residential buildings, installing any new wells, drinking water springs or water supply intake points, construction of school buildings and any playgrounds, athletic fields or other school facilities designed for use by children in the vicinity of school buildings, commercial establishments dispensing or selling food, and creation of public and commercial campgrounds and picnic areas within 100 feet of that boundary line.
- Inconsistent Development or Use **DOES NOT** include:
 - Expansion of an existing use, provided that when that use includes a building, the expansion does not increase the total structural footprint by more than 100%, and the expansion is no closer to the registered farmland than is the existing building; or
 - Replacement or reconstruction of an existing building or structure which is damaged or destroyed by fire or other casualty, and replaced or reconstructed within 2 years of such damage.

Exempted Abutting Land

- Land adjacent to farmland registered in 1990 or 1991, and renewed before April 1, 2013, together with any adjoining lot or parcel in the same ownership that was one acre or less as of January 1, 1988.
- Land adjacent to farmland registered on or after July 1, 2012, together with any adjoining lot or parcel in the same ownership that was one acre or less as of January 1, 2012.
- Those subdivisions for which a completed application pursuant to [30-A M.R.S. §4353\(4\)](#), has been filed or approved in the 2 years preceding registration.
- A lot on which Inconsistent Development or Incompatible Use has been allowed by permit granted by a state or local government in the 2 years preceding registration.

Variance

- Owners of abutting land may apply to the municipal body hearing zoning appeals, or when applicable, the Maine Land Use Planning Commission, for a variance permitting an Inconsistent Development or Use or an Incompatible Use that is otherwise prohibited.
- Such a variance may be issued if adherence to the law renders a parcel of land unusable for residential purposes.
- Any variance granted for such a purpose must be conditioned to provide the maximum feasible setback from the abutting registered farmland.



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How to register farmland

1. Obtain the property tax map(s) which illustrates the entire parcel(s) subject to farmland registration and all abutters to parcels. You may need to search other town resources to find the names of the abutters.
2. Using the tax map information complete pages 2 and 3 of the [Farmland Registration \(Form 2A\)](#).
3. Submit the tax map(s) as amended in the instructions in Form 2A, Form 2A, and [Farmland Registration Certification \(Form 3\)](#) to your County Soil and Water Conservation District (SWCD) for determination of farmland eligibility. Find your SWCD [here](#). Districts shall complete their review within 60 days of receiving an application.
4. Upon receipt of Form 3 in which the SWCD has found that the parcel(s) are granted certification continue onto step 5. If the parcels are not denied certification, please contact the SWCD to determine appropriate measures to take before reapplying with them.
5. Complete the [Notice Of Intent To Register Farmland \(Form 4A\)](#).
6. Using Certified Mail with return-receipt requested, mail a copy of the [Farmland Registration Fact Sheet \(Form 1\)](#), the tax map prepared for Form 2A, Form 3, and Form 4A to all abutters identified in Form 2A.
7. After completing the public notification outline in step 6 bring Form 2A to a public notary for notarization.
8. No less than fifteen (days) after completing the notice of intent public notification outline in step 6, notarize Form 2A and submit Form 2A and Form 3 to your county registry of deeds in all jurisdictions in which the farmland and abutters are located to record the deed. Find your registry of deeds [here](#). Please contact the registry before sending in the documents as they will assess a registration fee that must be included. Be sure to include a self-addressed envelope to receive a copy of the recorded deed.
9. Within two (2) days of recording the deed, complete the [Notice of Registered Farmland \(Form 5A\)](#) and mail a copy of Form 5A and the tax map prepared for Form 2A to all abutters and the municipality which governs the farmland and abutting parcels via Certified Mail with return-receipt requested. For parcels in unorganized territories this may be the same as the county register of deeds.
10. Provide copies of the following recorded documents: Forms 2A or 2B, Form 3, Form 4A or 4B and Form 5A or 5B to the Maine Department of Agriculture, Conservation and Forestry (DACF), c/o Farmland Registration, 28 State House Station, Augusta, ME, 04333 or email them to Leigh.Hallett@Maine.gov

How to re-register farmland

- Farmland must be renewed every 5 years continuously to maintain development protections. A registration takes effect 15 days after receipt of notice by the municipality and abutters.
- Follow steps 1-10 above replacing Form 2A with [Notice of Intent To renew Registration of Farmland Form 2B](#). For farmland originally registered in 1990 or 1991 also replace Form 4A with [Notice of Renewal Of Farmland Registered in 1990/91 \(Form 5B\)](#).



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Withdrawing farmland registration

- If you cease to produce farm products on all or part of your registered farmland for more than one year in a row, then you must withdraw your property from farmland registration by:
 1. Complete the [Farmland Registration Withdrawal \(Form 6\)](#) and attach a property map of the parcel and aerial photo(s) illustrating the areas subject to withdrawal as required on Form 6.
 2. Have Form 6 notarized and submit this form to your county registry of deeds in all jurisdictions in which the farmland and abutters are located to record the deed. Find your registry of deed [here](#).
 3. Within two (2) days of recording the deed, mail a copy of Form 6 and the tax map and aerial photo(s) prepared for Form 6 to all abutters and the municipality which govern the farmland and abutting parcels via Certified Mail with return-receipt requested. For parcels in unorganized territories this may be the same as the country register of deeds.
 4. Provide a copy of Form 6 to DACF, c/o Farmland Registration, 28 State House Station, Augusta, ME, 04333-0028 or email to Leigh.Hallett@Maine.gov

Not sure if your farmland is registered

- Contact your registry of deeds [here](#).

Challenging the Eligibility of Farmland

- Upon written notice to DACF, a municipality or an owner of abutting land may initiate proceedings with the municipal board of appeals representing the municipality in which the farmland is located to:
 - Determine the eligibility of farmland proposed for registration; and/or
 - Determine the continuing eligibility of registered farmland.
- A decision made by a municipal body may be appealed to the Superior Court.
- The Department is required to provide technical assistance in connection with any determination the municipal body might make under this law. If the Department or a municipality finds that farmland is not eligible for registration, the Department or municipality shall order the farmland landowner to file for withdrawal from the program.
- Abutters may question the continued eligibility of farmland through an appeal once every two years.

Important contacts/FMI

Have questions about the Farmland Registration Program? Contact the Maine Department of Agriculture, Conservation and Forestry at (207) 287-3494 or Email: Leigh.Hallett@Maine.gov

Need assistance discussing farmland registration with a neighbor or farmer? Contact the Agricultural Mediation Program at: 207-581-3487 or email maineagmediation@maine.edu



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Frequently Asked Questions

Why would someone register farmland?

- Farmland registration offers farmers a proactive approach, through the notification process, to help neighbors develop their property while avoiding potential impacts associated with their proximity to agricultural land use. In most cases siting a new water source within 50 feet of an agricultural field is the only development concern. Unless a agricultural field is within 50 feet of the farmers property boundary there may be no impact at all to your development rights but if so this may be mitigated through a variance with the town.

Are there services to assist farmers and abutters discuss the registration process?

- Agricultural Mediation through the University of Maine Cooperative Extension is available to assist these conversations. There may be no cost or a nominal fee for mediation. FMI contact: 207-581-3487 or email maineagmediation@maine.edu

May I register all my land?

- No, only the land that is producing farm products and generating \$2,000 gross annual income is considered eligible farmland. Eligible farmland does NOT include land used for woodlots, homes, farm buildings, roads, lawns or any area covered with non-crop vegetation.

Why are there two setback distances?

- The Legislature re-opened enrollment as of July 1, 2012, to authorize previously unregistered farms to register and prohibit Inconsistent Use within 50 feet of their farmland, and, it authorized only the owners of farmland registered in 1990 & 1991, to renew registration by April 1, 2013, to retain the prohibition on incompatible development and use within 100 feet.

I have a parcel of land that includes multiple fields and some land that is not producing farm products. May I register all of the land in that tax parcel?

- You may only register eligible land that is actively producing farm products. For example, if you have three corn fields surrounded by active hay or pasture land you could register all of that land. However, if the corn fields were surrounded by woodlots, woodlots are not considered eligible farm and could not be registered.

The field edge of my newly registered farmland is 10' from my property line and therefore affects a 40' wide swathe of my neighbor's land along that property line. What may my neighbor do and not do?

- Since you registered after July 1, 2012, your neighbor may build a residence, garage, barn, or shed and maintain gardens, a lawn, swimming pools, etc. However, your neighbor may NOT install new wells, drinking water springs, or water supply intake points. These uses are now prohibited as an Incompatible Use in that 40' wide swathe.