

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 978

H.P. 714

House of Representatives, February 11, 1997

**An Act to Improve the Efficiency of the Department of Agriculture,
Food and Rural Resources.**

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: CHICK of Lebanon, DEXTER of Kingfield, LANE of Enfield, SAMSON of
Jay, SHIAH of Bowdoinham.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 7 MRSA §714, sub-§1**, as amended by PL 1993, c. 410,
4 Pt. S, §3, is further amended to read:

6 **1. Application for registration.** A person may not
8 distribute in this State a commercial feed, except a
10 customer-formula feed, that has not been registered pursuant to
12 this section. The application for registration must be submitted
14 in the manner prescribed by the commissioner on forms furnished
16 by the commissioner, and accompanied by a an annual fee of \$40
per brand for pet food and \$30 per brand for all other commercial
feed. Upon approval by the commissioner the registration must be
issued to the applicant. All registrations expire on the 31st day
of December ~~of each year~~. The commissioner may issue a
registration for a period not to exceed 3 years.

18 **Sec. 2. 7 MRSA §743, first ¶**, as amended by PL 1989, c. 888, §2,
20 is further amended to read:

22 Each brand and grade of commercial fertilizer shall ~~shall~~ must be
24 registered before being offered for sale, sold or distributed in
26 this State. The application for registration shall ~~shall~~ must be
submitted to the commissioner on forms furnished by the
commissioner and shall ~~shall~~ must be accompanied by a an annual fee of
\$14 per plant food element guaranteed. All registrations expire
on December 31st ~~of each year~~ or in a manner consistent with the
provisions as to license expiration of the Maine Administrative
Procedure Act, Title 5, section 10002, whichever is later. The
30 commissioner may issue a registration for a period not to exceed
3 years. The commissioner may ~~suspend, cancel or~~ suspend, cancel or refuse to
32 renew, ~~suspend or cancel~~ registration for failure to comply with
34 this subchapter or with ~~regulations~~ rules adopted pursuant hereto
~~shall be~~ is considered rule-making as that term is defined in the
Maine Administrative Procedure Act, Title 5, chapter 375 and
36 notice and opportunity for a hearing shall ~~shall~~ must be provided in a
38 manner consistent with the Maine Administrative Procedure Act,
Title 5, chapter 375. The application shall ~~shall~~ must include the
40 following information:

42 **Sec. 3. 7 MRSA §1044-A, sub-§2**, as enacted by PL 1979, c. 672,
44 Pt. A, §25, is amended to read:

46 **2. Seed labeling license.** No person, firm or corporation
48 may label agricultural, vegetable and tree and shrub seeds,
except seed potatoes, for planting purposes for distribution or
sale in this State without having obtained a seed labeling
license. The seed labeling licensee shall ~~be~~ is responsible for

2 the accuracy of the seed contents of all packages, boxes and bags
of seeds labeled by ~~him~~ the licensee. The fee for a seed labeling
4 license is \$30 annually. A license may be issued for a period
not to exceed 3 years.

6 **Sec. 4. 7 MRSA §2222**, as enacted by PL 1993, c. 548, §1, is
amended to read:

8
10 **§2222. Permit and registration**

12 A person who cultivates ginseng for sale must be licensed by
the department and shall pay an annual fee of \$10. A person who
14 buys ginseng for resale shall register annually with the
department as a ginseng dealer and pay an annual fee of \$25. The
16 commissioner may issue a license for a period not to exceed 3
years.

18 **Sec. 5. 7 MRSA §2701, first ¶**, as enacted by PL 1985, c. 572,
is amended to read:

20 All persons owning honeybees within the State shall annually
22 notify the commissioner of the keeping of bees and the location
of the bees and shall forward to the commissioner for deposit
24 with the Treasurer of State an annual license fee not to exceed
50¢ per colony for all bees kept on June 15th of each year. The
26 commissioner may issue a license for a period not to exceed 3
years. Fees shall be established by rule in accordance with the
28 Maine Administrative Procedure Act, Title 5, chapter 375. No
license fee returned may be less than \$2 per beekeeper. License
30 fees shall accrue to the General Fund.

32 **Sec. 6. 10 MRSA §2412, sub-§1**, as enacted by PL 1991, c. 712,
§3 and affected by §5, is amended to read:

34 **1. Certificate of registration.** The state sealer shall
36 provide application forms and shall issue a certificate of
registration upon receipt of a completed application accompanied
38 by a an annual fee of \$8 per dispensing nozzle. A certificate of
registration expires annually on December 31st. The state sealer
40 may issue a registration for a period not to exceed 3 years.

42 **Sec. 7. 10 MRSA §2501**, as amended by PL 1989, c. 888, §5, is
further amended to read:

44 **§2501. Qualifications**

46 Any person wishing to be a licensed public weighmaster shall
48 make application to the state sealer upon forms provided by the
state sealer, and each application shall must be accompanied by a
50 an annual fee of \$25. Upon receipt of application and the state

2 sealer's satisfaction that the applicant is of good moral
3 character and has the ability to weigh accurately and to make
4 correct weight certificates and passing such oral or written
5 examination as the state sealer may determine and upon making
6 oath to execute the requisite duties satisfactorily shall must be
7 granted a license as a public weighmaster. Each license shall
8 ~~expire~~ expires on December 31st ~~of each year~~ or in a manner
9 consistent with the Maine Administrative Procedure Act, Title 5,
10 chapter 375, whichever is later, unless sooner revoked or
11 suspended under section 2506. Each licensed public weighmaster
12 shall, at the public weighmaster's own expense, procure an
13 impression seal. The public weighmaster's name and the word
14 "Maine" shall must be inscribed around the outer margin of the
15 seal and the words "licensed public weighmaster" shall must
16 appear in the center ~~thereof~~ of the seal. The seal shall must be
17 impressed upon each weight certificate issued by a licensed
18 public weighmaster. A license may be issued for a period not to
exceed 3 years.

20 **Sec. 8. 10 MRSA §2651**, as amended by PL 1989, c. 888, §6, is
21 further amended to read:

22 **§2651. Registration; certificates**

23 Any person wishing to be registered as a dealer or repairman
24 shall make application to the state sealer upon forms provided by
25 the state sealer, furnishing such pertinent information as may be
26 required and each application shall must be accompanied by a an
27 annual fee of \$25. Upon approval, the state sealer shall issue to
28 the applicant a registration certificate ~~which shall expire~~ that
29 expires on December 31st, or in the manner provided in the Maine
30 Administrative Procedure Act, Title 5, chapter 375, whichever is
31 later, unless sooner suspended or revoked under section 2655. A
32 registration may be issued for a period not to exceed 3 years.

33 **Sec. 9. 22 MRSA §1471-D, sub-§6**, as amended by PL 1983, c.
34 819, Pt. A, §46, is further amended to read:--

35 **6. Renewal.** ~~Certification--of Licenses for~~ commercial
36 applicators, government pesticide supervisors, spotters,
37 monitors, spray contracting firms ~~and--licenses--of,~~ pesticide
38 dealers ~~shall-be-valid-for-one-year-from-the-date-of-issuance.~~
39 ~~Certification-of~~ and private applicators shall-be are valid for
40 such period as prescribed by the board by regulation rule.
41 Application for renewal shall must be accompanied by such
42 reasonable fee as the board may by regulation rule require. The
43 board may, by regulation rule, require that such renewal
44 application include reexamination or other procedures designed to
45 assure a continuing level of competence to distribute, use or
46 supervise the use of pesticides safely and properly.

2 If the board fails to renew a license upon application of the
4 licensee or certificate holder, it shall afford the licensee or
6 certificate holder an opportunity for a hearing in conformity
8 with Title 5, chapter 375, subchapter IV.

10 **Sec. 10. 22 MRSA §1471-W, sub-§2**, as enacted by 1989, c. 93,
12 §2, is amended to read:

14 **2. Issuance of license.** The Board of Pesticides Control
16 shall issue a license to distribute general use pesticides to any
18 person upon payment of a fee of \$20 for a calendar year or any
20 part of a calendar year. The Board of Pesticide Control may
22 issue a license for a period not to exceed 3 years. Any person
24 licensed to distribute restricted use pesticides ~~shall--be~~ is
26 considered licensed to distribute general use pesticides without
28 any additional fee. All fees collected under this section ~~shall~~
30 be are deposited in the Board of Pesticides Control Special Fund.

32 **Sec. 11. 22 MRSA §2168, sub-§1**, as enacted by PL 1989, c. 888,
34 §7, is amended to read:

36 **1. Application and renewal.** Each application for, or
38 renewal of, a license to operate a food establishment must be
40 accompanied by a fee, based on the number of employees as follows:

- 42 A. For 0 to 10 employees, \$10 annually;
- 44 B. For 11 to 25 employees, \$30 annually; and
- 46 C. For 26 or more employees, \$100 annually.

48 **Sec. 12. 22 MRSA §2169, 2nd ¶**, as enacted by PL 1979, c. 672,
50 Pt. A, §56, is amended to read:

A ~~full-year~~ license ~~shall--be~~ is issued for ~~one-year--from~~
~~date-of-issuance--and--the~~ a period not to exceed 3 years. The
prescribed fee ~~shall~~ must accompany the application for license.
Licenses may be renewed upon application ~~therefor~~ and payment of
the ~~annual--fee~~ fees, subject to the commissioner's rules and
regulations. Licenses erroneously issued by the commissioner
~~shall--be~~ are considered void and ~~shall~~ must be returned to the
commissioner on demand.

Sec. 13. 32 MRSA §1901, first ¶, as repealed and replaced by PL
1991, c. 785, §4 and affected by §5, is amended to read:

A person, firm or corporation may not engage in or continue
in the business of selling or dealing in nursery stock, as
defined in Title 7, section 2211, without first obtaining a

2 license to conduct such business in this State. The State
Horticulturist shall prescribe the form of the license. Upon
4 proper application, a license must be issued in the name of the
nursery owner or dealer and that license may not be transferred.
6 Each agent and each store acting under a general agent or store
must have a license as provided in this section. A license
8 ~~expires annually on December 31st~~ may be issued for a period not
to exceed 3 years.

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SUMMARY

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Current statutes limit many of the licenses granted by the Department of Agriculture, Food and Rural Resources to one year. This bill would allow, but not require, the department to grant multi-year licenses where appropriate.