

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 396

6
7 H.P. 307

House of Representatives, February 5, 1985

8 Reference to the Committee on Agriculture suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Callahan of Mechanic Falls.
Cosponsored by Michael of Auburn.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Change the Lime Law.
18

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

21 Sec. 1. 7 MRSA c. 103, sub-c. V-A is enacted to
22 read:

23 SUBCHAPTER V-A

24 AGRICULTURAL LIMING MATERIALS

25 §761. Title

26 This subchapter shall be known and may be cited
27 as the "Maine Agricultural Liming Materials Act."

28 §762. Definitions

29 As used in this subchapter, unless the context
30 indicates otherwise, the following terms have the
31 following meanings.

1 1. Agricultural liming materials. "Agricultural
2 liming materials" means a product whose calcium and
3 magnesium compounds are capable of neutralizing soil
4 acidity.

5 2. Brand. "Brand" means the term, designation,
6 trademark, product name or other specific designation
7 under which individual agricultural liming material
8 is offered for sale.

9 3. Bulk. "Bulk" means a nonpackaged form.

10 4. Burnt lime. "Burnt lime" means a material,
11 made from limestone which consists essentially of
12 calcium oxide or combination of calcium oxide with
13 magnesium oxide.

14 5. Calcium carbonate equivalent. "Calcium car-
15 bonate equivalent" means the acid neutralizing capac-
16 ity of an agricultural liming material expressed as
17 weight percentage of calcium carbonate.

18 6. Fineness. "Fineness" means the percentage by
19 weight of the material which will pass federal stan-
20 dard sieves of specified sized. In promulgating
21 rules relating to fineness, the commissioner shall be
22 guided by american society for testing materials
23 specifications for sieve sizes.

24 7. High magnesium. "High mangesium" means lime
25 designated as high-mag or dolomitic which must con-
26 tain at least 5% magnesium.

27 8. Hydrated lime. "Hydrated lime" means a mate-
28 rial, made from burnt lime, which consists essential-
29 ly of calcium hydroxide or a combination of calcium
30 hydroxide with magnesium oxide and magnesium
31 hydroxide.

32 9. Industrial by-product. "Industrial by-
33 product" means any industrial waste or by-product
34 containing calcium or calcium and magnesium in forms
35 that will neutralize soil acidity.

36 10. Label. "Label" means any written or printed
37 matter on or attached to the package or on the deliv-
38 ery ticket which accompanies bulk shipments.

1 11. Limestone. "Limestone" means a material
2 consisting essentially of calcium carbonate or a com-
3 bination of calcium carbonate with magnesium carbon-
4 ate capable of neutralizing soil acidity.

5 12. Marl. "Marl" means a granular or loosely
6 consolidated earthly material composed largely of sea
7 shell fragments and calcium carbonate.

8 13. Percent or percentage. "Percent or percent-
9 age" means by weight.

10 14. Person. "Person" means individual, partner-
11 ship, association, firm or corporation.

12 15. Ton. "Ton" means a net weight of 2,000
13 pounds avoirdupois or metric weight, if and when ap-
14 propriate and in accordance with rules.

15 16. Weight. "Weight" means the weight of
16 undried material as offered for sale.

17 §763. Labeling

18 Any agricultural liming materials distributed in
19 this State in containers shall have placed on or af-
20 fixed to the container a label setting forth in
21 clearly legible and conspicuous form the following
22 information:

23 1. Name and address. The name and principal of-
24 fice address of the manufacturer or distributor;

25 2. Brand or trade name. The brand or trade name
26 of the material;

27 3. Indentification. The indentification of the
28 product as to the type of the agricultural liming ma-
29 terial;

30 4. Weight. The net weight of the agricultural
31 liming material;

32 5. Neutralizing value. A statement expressing
33 minimum total neutralizing value stated as calcium
34 carbonate equivalence, the minimum calcium carbonate
35 equivalence derived from magnesium sources; and

1 6. Standards. The minimum percent by weight
2 passing through federal standard sieves as prescribed
3 by rules.

4 In case of bulk shipments, this information in
5 written or printed form shall accompany delivery and
6 be supplied to the purchaser at time of delivery.

7 No information or statement may appear on any
8 package, label, delivery slip or advertising matter
9 which is false or misleading to the purchaser as to
10 the quality, analysis, type or composition of the ag-
11 ricultural liming material.

12 In the case of any material which has been adul-
13 terated subsequent to packaging, labeling or loading
14 and before delivery to the consumer, a plainly marked
15 notice to that effect shall be affixed by the vendor
16 to the package or delivery slip to identify the kind
17 and degree of the adulteration.

18 At every site from which agricultural liming ma-
19 terials are delivered in bulk and at every place
20 where consumer orders for bulk deliveries are placed,
21 there shall be conspicuously posted a copy of the
22 statement required by this section for each brand of
23 material.

24 When the commissioner finds, after public hearing
25 held in a manner consistent with the Maine Procedure
26 Act, Title 5, chapter 375, that the requirement for
27 expressing the calcium and magnesium in elemental
28 form would not impose an economic hardship on dis-
29 tributors and users of agricultural liming materials
30 by reason of conflicting labeling requirements among
31 the states, he may require by rule that the minimum
32 percentage of calcium carbonate and magnesium car-
33 bonate be expressed in the following form:

34 Total calcium (Ca).....percent

35 Total magnesium (mg).....percent

36 The effective date of the rule shall be not less
37 than 6-months following the issuance of the rule, and
38 provided that, for a period of 2-years following the
39 effective date of the rule, the equivalent of calcium

1 and magnesium may also be shown in the form of calci-
2 um carbonate and magnesium carbonate.

3 §764. Prohibited acts

4 No agricultural liming material may be sold or
5 offered for sale in this State unless it complies
6 with this subchapter or rules promulgated under this
7 subchapter. No agricultural liming material may be
8 sold or offered for sale in this State which contains
9 toxic materials in quantities injurious to plants or
10 animals.

11 §765. Registration

12 Each separately identified product shall be reg-
13 istered before distributed in this State. The ap-
14 plication for registration shall be submitted to the
15 commissioner on forms furnished or approved by the
16 commissioner and shall be accompanied by a fee of
17 \$50. Upon approval by the commissioner, a copy of
18 the registration shall be furnished to the applicant.
19 All registrations expire on December 31st of each
20 year.

21 The fees collected by the commissioner shall be
22 deposited with the Treasurer of State and appropri-
23 ated for carrying out this subchapter, including the
24 cost of inspection, sampling and analysis. These
25 funds shall not lapse, but shall remain a continuing
26 carrying account.

27 A distributor shall not be required to register
28 any brand of agricultural liming material which is
29 already registered under this subchapter by another
30 person, provided that the label does not differ in
31 any respect.

32 §766. Report of tonnage

33 Each registrant shall on or before September 1st,
34 in each year file with the commissioner, on forms
35 prescribed by him, the number of tons of each agri-
36 cultural liming material sold during the 12 months
37 preceding July 1st, of the current year.

1 The commissioner may publish and distribute annu-
2 ally, to each agricultural liming material registrant
3 and other interested persons, a composite report
4 showing the tons of agricultural liming material sold
5 in the State. This report shall in no way divulge
6 the operation of any registrant.

7 §767. Inspection; sampling; analysis

8 The commissioner, or his authorized agent, shall
9 sample, inspect, make analyses of and test the agri-
10 cultural liming materials distributed within this
11 State as he may deem necessary to determine whether
12 the agricultural liming materials are in compliance
13 with this subchapter. The commissioner, individually
14 or through his agent, may enter upon any public or
15 private premises or carriers during regular business
16 hours in order to have access to agricultural liming
17 material subject to this subchapter and rules promul-
18 gated under this subchapter and to the records relat-
19 ing to their distribution.

20 The methods of analysis and sampling shall be
21 those approved by the commissioner and shall be
22 guided by the Association of Official Analytical
23 Chemists procedures.

24 When the inspection and anylisis of an official
25 sample indicate an agricultural liming material has
26 been adulterated or misbranded, the results of analy-
27 sis shall be forwarded by the commissioner to the
28 distributor or manufacturer. Upon request within 30
29 days, the commissioner shall furnish to the regis-
30 trant a portion of the sample concerned.

31 §768. "Stop sale" orders

32 The commissioner may issue and enforce a written
33 or printed "stop sale, use or removal" order to the
34 owner or custodian of any lot of agricultural liming
35 materials and to hold at a designated place when the
36 commissioner finds the agricultural liming material
37 is being offered or exposed for sale in violation of
38 this subchapter, until the law has been complied with
39 and the agricultural liming material is released in
40 writing by the commissioner or the violation has been
41 otherwise legally disposed of by written authority.

1 The commissioner shall release the agricultural
2 liming materials so withdrawn when the requirements
3 of this subchapter have been complied with and all
4 costs and expenses incurred in connection with the
5 withdrawal have been paid. The issuance of the order
6 shall not be considered licensing or an adjudicatory
7 proceeding, as defined by the Maine Procedure Act,
8 Title 5, chapter 375.

9 §769. Forfeitures for violations

10 Any person, firm or corporation violating any of
11 the provisions of this subchapter, or any rule duly
12 promulgated under this subchapter, or neglecting or
13 refusing to comply with the provision of this sub-
14 chapter commits a civil violation for which a forfei-
15 ture of not more than \$100 for the first violation
16 and not more than \$200 for each subsequent violation
17 may be adjudged. Nothing in this subchapter may be
18 construed as requiring the commissioner to report for
19 suit or for the institution of seizure proceedings as
20 a result of minor violations of this subchapter when
21 he believes that the public interests will be best
22 served by a suitable notice of warning in writing.

23 §770. Rules for administration

24 The commissioner after reasonable notice and
25 hearing may promulgate and enforce rules for the ad-
26 ministration of this subchapter, in a manner consist-
27 ent with the Maine Procedure Act, Title 5, chapter
28 375, and grant such exemptions from specific require-
29 ments of this subchapter as, from time to time, may
30 be deemed necessary.

31 Sec. 2. Effective date. This subchapter shall
32 take effect January 1, 1986.

1

STATEMENT OF FACT

2 This bill is designed to regulate the sale and
3 distribution of liming materials. It removes current
4 requirements for lime from the fertilizer law, thus
5 allowing for information more realistic with liming
6 requirements, guarantees and labeling. It allows for
7 tonnage reporting, thus giving a more accurate figure
8 for liming materials distribution and use in the
9 State.

10 The effective date coincides with annual regis-
11 tration dates.

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