

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1237

H.P. 925 House of Representatives, April 10, 1987
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative CALLAHAN of Mechanic Falls.
Cosponsored by Representative TARDY of Palmyra.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Change the Lime Laws.

1
2

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

5 Sec. 1. 7 MRS A c. 103, sub-c. V-A is enacted to
6 read:

7

SUBCHAPTER V-A

8

AGRICULTURAL LIMING MATERIALS

9

\$761. Title

10

11

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

12

\$762. Definitions

1 As used in this subchapter, unless the context
2 indicates otherwise, the following terms have the
3 following meanings.

4 1. Agricultural liming materials. "Agricultural
5 liming material" means a product whose calcium and
6 magnesium compounds are capable of neutralizing soil
7 acidity.

8 2. Brand. "Brand" means the term, designation,
9 trademark, product name or other specific designation
10 under which an individual agricultural liming materi-
11 al is offered for sale.

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

13 4. Burnt lime. "Burnt lime" means a material
14 made from limestone which consists essentially of
15 calcium oxide or a combination of calcium oxide with
16 magnesium oxide.

17 5. Calcium carbonate equivalent. "Calcium car-
18 bonate equivalent" means the acid neutralizing capac-
19 ity of an agricultural liming material expressed as a
20 weight percentage of calcium carbonate.

21 6. Commissioner. "Commissioner" means the Com-
22 missioner of Agricultural, Food and Rural Resources.

23 7. Distribute; distributor. "Distribute" means
24 to offer for sale, sell, barter or otherwise supply
25 agricultural liming materials. The term "distribu-
26 tor" means any person who is engaged in the business
27 of distributing agricultural liming materials.

28 8. Fineness. "Fineness" means the percentage by
29 weight of the material which will pass federal stan-
30 dard sieves of specified sizes. In promulgating
31 rules relating to fineness, the commissioner shall be
32 guided by recommendations established by the American
33 Society for Testing Materials.

34 9. High magnesium. "High magnesium" means lime
35 designated as high-mag or dolomitic which must con-
36 tain at least 5% magnesium.

1 10. Hydrated lime. "Hydrated lime" means a ma-
2 terial, made from burnt lime, which consists essen-
3 tially of calcium hydroxide or a combination of cal-
4 cium hydroxide with magnesium oxide and magnesium
5 hydroxide.

6 11. Industrial by-product. "Industrial by-
7 product" means any industrial waste or by-product
8 containing calcium or calcium and magnesium in forms
9 that will neutralize soil acidity.

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

13 13. Limestone. "Limestone" means a material ca-
14 pable of neutralizing soil acidity, consisting essen-
15 tially of calcium carbonate or a combination of cal-
16 cium carbonate with magnesium carbonate.

17 14. Marl. "Marl" means a granular or loosely
18 consolidated loam composed largely of clays, sea
19 shell fragments and carbonates of calcium and magne-
20 sium.

21 15. Percent or percentage. "Percent" or "per-
22 centage" means by weight.

23 16. Person. "Person" means individual, partner-
24 ship, association, firm or corporation.

25 17. Ton. "Ton" means a net weight of 2,000
26 pounds avoirdupois or metric weight, if and when ap-
27 propriate and in accordance with rules.

28 18. Weight. "Weight" means the weight of
29 undried material as offered for sale.

30 §763. Labeling

31 1. Contents of label. Agricultural liming mate-
32 rials distributed in the State shall have affixed to
33 each package in a conspicuous manner on the outside
34 of the package, a plainly printed, stamped or other-
35 wise marked label, tag or statement or, in the case
36 of bulk sales, a delivery slip setting forth at least
37 the following information:

1 A. The name and principal office address of the
2 manufacturer or distributor;

3 B. The brand or trade name of the material;

4 C. The identification of the type of agricultur-
5 al liming material according to section 762;

6 D. The net weight of the agricultural liming ma-
7 terial;

8 E. A statement expressing minimum total neutral-
9 izing value stated as calcium carbonate equiva-
10 lence and the minimum calcium carbonate equiva-
11 lence derived from magnesium sources; and

12 F. The minimum percent of the agricultural
13 liming material by weight passing through federal
14 standard sieves as prescribed by rules adopted by
15 the commissioner.

16 2. False or misleading information prohibited.
17 No information or statement may appear on any pack-
18 age, label, delivery slip or advertising matter which
19 is false or misleading relative to the quality, anal-
20 ysis, type or composition of the agricultural liming
21 material.

22 3. Adulterated material. In the case of any ma-
23 terial which has been adulterated subsequent to pack-
24 aging, labeling or loading and before delivery to the
25 consumer, a plainly marked notice to that effect
26 shall be affixed by the vendor to the package or de-
27 livery slip to identify the kind and degree of the
28 adulteration.

29 4. Posting of statement. At every site from
30 which agricultural liming materials are delivered in
31 bulk and at every place where consumer orders for
32 bulk deliveries are placed, there shall be conspicu-
33 ously posted a copy of the label required by this
34 section for each brand and type of agricultural
35 liming material sold in bulk.

36 5. Rule concerning calcium and magnesium con-
37 tent. When the commissioner finds, after a public
38 hearing held in a manner consistent with the Maine

1 Administrative Procedure Act, Title 5, chapter 375,
2 that the requirement for expressing the calcium and
3 magnesium in elemental form will not impose an eco-
4 nomical hardship on distributors and users of agricul-
5 tural liming materials by reason of conflicting la-
6 beling requirements among the states, he may require
7 that the minimum percentage of calcium carbonate and
8 magnesium carbonate be expressed in the following
9 form:

10 Total calcium (Ca).....percent
11 Total magnesium (Mg).....percent

12 The effective date of the rule shall be not less than
13 6 months following the issuance of the rule and, for
14 a period of 2 years following the effective date of
15 the rule, the equivalent of calcium and magnesium may
16 also be shown in the form of calcium carbonate and
17 magnesium carbonate.

18 §764. Prohibited acts

19 No person may sell or offer for sale any agricul-
20 tural liming material in this State unless it compl-
21 ies with this subchapter and rules adopted under
22 this subchapter. No person may sell or offer for
23 sale any agricultural liming material in this State
24 containing materials that are or will be deleterious
25 to plant or animal life, when the agricultural liming
26 material is applied at rates recommended by a soils
27 testing laboratory.

28 §765. Registration

29 1. Registration required; fee. Each separately
30 identified agricultural liming product shall be reg-
31 istered before being offered for sale, sold or dis-
32 tributed in the State. The application for registra-
33 tion shall be submitted to the commissioner on forms
34 furnished or approved by the commissioner and shall
35 be accompanied by a fee of \$50. Upon approval by the
36 commissioner, a copy of the registration shall be
37 furnished to the applicant. All registrations expire
38 on December 31st of each year.

39 2. Fees; nonlapsing fund. The commissioner
40 shall collect all fees under this subchapter and de-

1 posit them with the Treasurer of State. These funds
2 shall be appropriated for carrying out this subchap-
3 ter, including the cost of inspection, sampling and
4 analysis. These funds shall not lapse, but shall re-
5 main in a carry-over account.

6 3. Registration not required if already regis-
7 tered. A distributor shall not be required to regis-
8 ter any brand of agricultural liming material which
9 is already registered under this subchapter by anoth-
10 er person, provided that the label does not differ in
11 any respect.

12 §766. Report of tonnage

13 1. By registrants. On or before September 1st
14 in each year each registrant shall file with the com-
15 missioner, on forms prescribed by him, the number of
16 tons of each agricultural liming material sold during
17 the 12 months preceding July 1st of the current year.

18 2. Commissioner's report. The commissioner may
19 publish and distribute annually, to each agricultural
20 liming material registrant and other interested per-
21 sons, a composite report showing the tons of agricul-
22 tural liming material sold in the State.

23 §767. Inspection; sampling; analysis

24 1. Commissioner shall inspect, analyze, test.
25 The commissioner, or his authorized agent, shall sam-
26 ple, inspect, analyze and test the agricultural
27 liming materials distributed within this State to de-
28 termine whether the agricultural liming materials are
29 in compliance with this subchapter. The commis-
30 sioner, individually or through his agent, may enter upon
31 any public or private premises or carriers during
32 regular business hours in order to have access to ag-
33 ricultural liming materials subject to this subchap-
34 ter and rules adopted under this subchapter and to
35 the records relating to their distribution.

36 2. Methods of analysis and sampling. The meth-
37 ods of analysis and sampling shall be those approved
38 by the commissioner and shall be guided by the Asso-
39 ciation of Official Analytical Chemists procedures.

1 3. Adulterated or misbranded materials. When
2 the inspection and analysis of an official sample in-
3 dicates an agricultural liming material has been adul-
4 terated or misbranded, the results of analysis shall
5 be forwarded by the commissioner to the registrant
6 and to the distributor of the sample. If the regis-
7 trant or distributor, within 30 days of notification,
8 requests a portion of the test sample then the com-
9 missioner shall furnish, within 30 days of this re-
10 quest, a portion of the sample to the registrant or
11 distributor who made the request.

12 §768. Stop sale orders

13 1. Issuance of order. The commissioner may is-
14 ssue a written "stop sale, use or removal" order to
15 the owner or custodian of any lot of agricultural
16 liming materials when the commissioner determines
17 that a violation of this subchapter has taken place.

18 2. Release of materials. The commissioner shall
19 release the agricultural liming materials by abrogat-
20 ing the "stop sale, use or removal" order, when the
21 requirements of this subchapter have been met and all
22 costs and expenses incurred in connection with the
23 withdrawal have been paid. The issuance of the re-
24 lease order shall not be considered licensing or an
25 adjudicatory proceeding, as defined by the Maine Ad-
26 ministrative Procedure Act, Title 5, chapter 375.

27 §769. Forfeitures for violations

28 Any person, firm or corporation violating any of
29 the provisions of this subchapter or any rule promul-
30 gated under this subchapter commits a civil violation
31 for which a fine of not more than \$100 for the first
32 violation and not more than \$200 for each subsequent
33 violation may be adjudged. Nothing in this subchap-
34 ter may be construed as requiring the commissioner to
35 report for suit or for the institution of seizure
36 proceedings minor violations of this subchapter when
37 he believed that the public interests would have been
38 best served by a suitable notice of warning in
39 writing.

40 §770. Rules for administration

