

MAINE STATE LEGISLATURE

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112
Rds

L.D. 744

DATE: 3-23-99

(Filing No. H- 75)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 537, L.D. 744, Bill, "An Act to Change the Way Nursery License Fees Are Established"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 32 MRSA §1901, sub-§1-A, as enacted by PL 1993, c. 256, §2, is amended to read:

1-A. Fees. The following provisions apply to the fees payable for a license issued under this section.

A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

C. Educational institutions are exempt from the license fee.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

Sec. 2. 32 MRSA §1901, sub-§1-B is enacted to read:

1-B. Fees established by rule. No later than January 1, 2000, the Commissioner of Agriculture, Food and Rural Resources

RWS

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2 shall provisionally adopt rules in accordance with Title 5,
3 chapter 375 to establish fees for licenses issued under this
4 section. Rules adopted pursuant to this subsection are major
5 substantive rules as defined in Title 5, chapter 375, subchapter
6 II-A. Fees established by rules adopted under this subsection
7 may take effect no earlier than 90 days after the adjournment of
8 the Second Regular Session of the 119th Legislature.'

9 Further amend the bill by inserting after section 2 the
10 following:

11 **'Sec. 3. Date for rules submission; authorization for legislation.**
12 Rules provisionally adopted in accordance with this Act must be
13 submitted to the Legislature for review no later than January 1,
14 2000. The Joint Standing Committee of Agriculture, Conservation
15 and Forestry may report out legislation to the Second Regular
16 Session of the 119th Legislature pertaining to fees for licensing
17 sellers and dealers in nursery stock.'

18 Further amend the bill by relettering or renumbering any
19 nonconsecutive Part letter or section number to read
20 consecutively.

21 Further amend the bill by inserting at the end before the
22 summary the following:

23 **FISCAL NOTE**

24 Authorizing the Commissioner of Agriculture, Food and Rural
25 Resources to establish nursery license fees by rule may increase
26 or decrease dedicated revenues collected by the Department of
27 Agriculture, Food and Rural Resources. The net effect on the
28 collection of fees is expected to be insignificant.

29 The Department of Agriculture, Food and Rural Resources will
30 incur some minor additional costs to adopt certain rules which
31 establish nursery license fees. These costs can be absorbed
32 within the department's existing budgeted resources.

33 This bill may increase the number of civil violations filed
34 in the court system. The additional workload and administrative
35 costs associated with the minimal number of new cases filed can
36 be absorbed within the budgeted resources of the Judicial
37 Department. The collection of additional fines may also increase
38 General Fund revenue by minor amounts.'

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SUMMARY

This amendment provides for the current fee structure to stay in place until major substantive rules are adopted to set fees. It directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt rules and submit them to the Legislature for review no later than January 1, 2000. It authorizes the Joint Standing Committee of Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 119th Legislature pertaining to fees for licensing sellers and dealers in nursery stock. The amendment also adds a fiscal note to the bill.