

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1720

H.P. 1227

House of Representatives, December 20, 2005

### **An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture**

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Reported by Representative PIOTTI of Unity for the Department of Agriculture, Food and Rural Resources pursuant to Public Law 2005, chapter 382, Part G.

Received by the Clerk of the House on December 14, 2005. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

4 **Sec. 1. 7 MRSA §14**, as amended by PL 1983, c. 308, §§5 and 14, is repealed.

6 **Sec. 2. 7 MRSA §122, first ¶**, as amended by PL 1997, c. 711, §4, is further amended to read:

8  
10 The Maine Agricultural Experiment Station shall conduct scientific investigations in orcharding, corn and other farm crops and, to this end, shall maintain the farms heretofore  
12 purchased in the name of the State, and stocked and equipped for the use and benefit of the station. The Director of the Maine  
14 Agricultural Experiment Station, with the agreement of the Board of Agriculture, has the general supervision, management and  
16 control of those farms and of all investigations thereon. The board and the director shall seek agreement on all issues. In  
18 the event that agreement can not be reached, final authority rests with the director.

20 **Sec. 3. 7 MRSA §195, first ¶**, as amended by PL 1985, c. 779, §29, is further amended to read:

24 ~~It shall be the duty of the A county extension association,~~  
26 ~~shall annually, as required, to present to the University of Maine and the county commissioners~~ its plan of extension work for  
28 the ensuing year and ~~to render to both the trustees of the University of Maine and the county commissioners~~ a full detailed  
30 report of its extension activities for the preceding fiscal year, including a detailed report of its receipts and expenditures from  
32 all sources. The financial report of such a county extension association shall must be on such forms ~~as may be~~ prescribed by  
34 the University of Maine and the county commissioners.

36 **Sec. 4. 7 MRSA §401-A, first ¶**, as enacted by PL 1983, c. 563, §1, is amended to read:

38 The Legislature finds that the marketing of agricultural commodities produced in the State is crucial to the maintenance  
40 and expansion of the agricultural industry, to the preservation of rural life in the State and to the economic well-being of all  
42 of the state's State's people. ~~The Legislature further finds that over the years, marketing issues have been inadequately addressed~~  
44 ~~and some of the major agricultural commodities of the State have lost substantial market shares to competitors. In addition, there~~  
46 ~~is a lack of pertinent market information to assist in the development of new commodities to maximize their contribution to~~  
48 ~~the state's agricultural economy.~~ There exists a need for a comprehensive marketing program applicable to all agricultural  
50 products. ~~Such a program will~~ to provide the necessary market

2 information to enable Maine farmers to make wise short-term and  
3 long-term production decisions; to establish standards for proper  
4 storage, packing and grading of agricultural products; and to  
5 create adequate enforceable programs for quality assurance as  
6 well as for the effective coordination of promotion and  
7 advertising efforts. In order to ensure that these  
8 responsibilities are fulfilled, the Legislature finds it  
9 necessary to provide state assistance to agricultural marketing  
10 and promotion.

11 **Sec. 5. 7 MRSA §415, sub-§2, ¶B,** as enacted by PL 1993, c.  
12 138, §1, is amended to read:

13 B. A person may not sell farm and food products at a market  
14 labeled "farmers' market" unless at least 75% of the product  
15 offered by that person was grown or processed by that person  
16 or under that person's direction. A product not grown or  
17 processed by that person must have been grown or processed  
18 by and purchased directly from another farmer.

19 **Sec. 6. 7 MRSA §415, sub-§5** is enacted to read:

20 **5. Enforcement; prima facie evidence.** The commissioner or  
21 an agent of the commissioner may request proof of the origin of a  
22 product for the purpose of enforcing this section. Failure to  
23 provide written documentation or other reasonable proof upon  
24 request as to the origin of the products offered for sale at a  
25 farmers' market is prima facie evidence that a person is in  
26 violation of this section.

27 **Sec. 7. 7 MRSA §424, sub-§3,** as enacted by PL 1981, c. 154,  
28 §1, is amended to read:

29 **3. Enforcement.** The commissioner may institute such  
30 investigations, hold such hearings, require such reports,  
31 subpoena such records and persons and take such other actions as  
32 he that the commissioner finds necessary to implement this  
33 subchapter. The commissioner may institute such action ~~at-law-or~~  
34 ~~in-equity~~ as may appear necessary to enforce compliance with any  
35 provision of this subchapter, or any rule, market agreement or  
36 order, committed to ~~his~~ the commissioner's administration under  
37 this subchapter. In addition to any other remedy under this  
38 subchapter or otherwise, the commissioner may apply for relief by  
39 injunction to protect the public interest without being compelled  
40 to allege or prove that an adequate remedy at law does not exist  
41 and without being compelled to post bond.

42 **Sec. 8. 7 MRSA §426, sub-§5,** as enacted by PL 1981, c. 154,  
43 §1, is repealed and the following enacted in its place:

2 5. Prohibition on sale; mandatory inspection. Provisions  
3 prohibiting a producer of an agricultural commodity to which a  
4 market order or market agreement applies from selling, offering  
5 for sale or delivering a commodity not meeting and complying with  
6 standards established pursuant to subsection 4. A provision for  
7 mandatory inspection under a market order must be indicated in  
8 the market order and specifically included in the referendum  
9 proposal under section 425, subsection 2;

10 **Sec. 9. 7 MRSA §443-A, sub-§3**, as enacted by PL 1995, c. 294,  
11 §1, is repealed.

12 **Sec. 10. 7 MRSA §443-A, sub-§5** is enacted to read:

13 **5. Enforcement; prima facie evidence.** The commissioner or  
14 an agent of the commissioner may request proof of the origin of  
15 farm produce for the purpose of enforcing this section. Failure  
16 to provide written documentation or other reasonable proof upon  
17 request as to the origin of the produce offered for sale is prima  
18 facie evidence that a person is in violation of this section.

19 **Sec. 11. 7 MRSA §452, sub-§7**, as enacted by PL 1981, c. 139,  
20 is amended to read:

21 **7. Licensed commodities.** "Licensed commodities" means dry  
22 beans and other vegetables listed in rules established pursuant  
23 to section 453, but does not mean potatoes, which are governed by  
24 chapter 103, subchapter X 10, article 3.

25 **Sec. 12. 7 MRSA §453, first ¶**, as enacted by PL 1981, c. 139,  
26 is amended to read:

27 The commissioner may, in a manner consistent with the ~~Maine~~  
28 ~~Administrative Procedure Act~~, Title 5, chapter 375, adopt rules  
29 for carrying out this subchapter and establishing a list of  
30 commodities for which a person must have a license under section  
31 454 to act as an agent, broker, dealer or processor.

32 **Sec. 13. 7 MRSA §454**, as enacted by PL 1981, c. 139, is  
33 amended to read:

34 **§454. Licensing required**

35 No A person may not act as agent, broker, dealer or  
36 processor unless duly licensed as provided in this subchapter.  
37 ~~Every person, before~~ Before acting as a dealer, processor, broker  
38 or agent, a person shall file an application with the  
39 commissioner for a license to transact the business of a dealer,  
40 processor, broker or agent and the application shall must be  
41 accompanied by the license fee provided in this subchapter.

2           No A person may not buy, solicit or negotiate the sale of  
4 any licensed commodity in this State as a representative of any  
6 agent, broker, dealer or processor unless ~~the representative that~~  
8 person has been so authorized as a representative by a licensee  
10 in writing, and a copy of the authorization is filed with the  
12 commissioner, except where when the representative person  
14 conducts business in the office of the licensee. ~~The commissioner~~  
~~shall be notified in writing by the licensee immediately upon the~~  
~~termination of the authorization.~~ A licensee shall notify the  
commissioner in writing immediately upon terminating the  
authorization for a person to act as that licensee's  
representative.

16           **Sec. 14. 7 MRSA §458, sub-§3,** as enacted by PL 1981, c. 139,  
18 is amended to read:

20           **3. Retailers.** ~~Any person~~ A retailer who sells licensed  
22 commodities to consumers ~~shall be~~ is exempt from this subchapter  
24 with respect to those sales.

26           **Sec. 15. 7 MRSA §459, first ¶,** as enacted by PL 1981, c. 139,  
28 is amended to read:

30           If ~~any~~ a licensee fails to make ~~such~~ payment as provided in  
32 section 457, subsection 1, paragraph B, that licensee, by reason  
34 of the nonpayment is in default as to all producers or licensees  
36 whose accounts then remain unpaid and the bond provided for ~~shall~~  
38 must be forfeited to the extent of all sums then due from the  
40 licensee to the producers or licensees. Whenever the commissioner  
42 determines that a licensee has failed to make payment, ~~he~~ the  
44 commissioner shall provide notice, in a manner consistent with  
46 the ~~rule-making-provisions-of-the~~ Maine Administrative Procedure  
48 Act, ~~provide notice~~ that payment under the bond will be sought  
and indicating the time within which other producer or licensee  
claims may be made known to ~~him~~ the commissioner. Upon  
determination of the commissioner that there has been a default  
in payment by a licensee, the conditions of the bond ~~shall be~~ are  
deemed to be broken and the commissioner may bring action on the  
defaulted bond for the benefit of producers or licensees.  
Whenever the amount of the bond is not sufficient to cover all  
valid claims, the commissioner shall distribute the amount  
available on a pro rata basis.

50           **Sec. 16. 7 MRSA §481** is repealed.

**Sec. 17. 7 MRSA §482, first ¶** is amended to read:

          No A person shall ~~may not~~ manufacture, sell, distribute,  
transport, offer or expose for sale, distribution or

2 transportation any article of commercial feeding stuff,  
commercial fertilizer, ~~drug~~ or food which that is adulterated or  
4 misbranded within the meaning of this Title chapter or chapter  
103.

6 **Sec. 18. 7 MRSA §483** is amended to read:

8 **§483. Adulteration**

10 For the purpose of this Title ~~an article shall be deemed to~~  
12 ~~be adulterated chapter and chapter 103, unless the term is more~~  
specifically defined, "adulterated" means made impure or inferior  
14 by adding extraneous ingredients.

16 **1. ~~Drug.~~ In case of a drug:**

18 ~~A. If, when a drug is sold under or by a name recognized in~~  
~~the United States pharmacopoeia or national formulary, it~~  
20 ~~differs from the standard of strength, quality or purity as~~  
~~laid down in the United States pharmacopoeia or national~~  
22 ~~formulary official at the time of investigation, or as fixed~~  
~~by the commissioner, No drug defined in the United States~~  
24 ~~pharmacopoeia, the national formulary or by said~~  
~~commissioner shall be deemed to be adulterated under the~~  
26 ~~provision if the standard of strength, quality or purity be~~  
~~plainly stated, so as to be understood by the~~  
28 ~~nonprofessional person, upon the bottle, box or other~~  
~~container thereof, although the standard may differ from~~  
30 ~~that laid down in the United States pharmacopoeia, national~~  
~~formulary or that fixed by said commissioner;~~

32 ~~B. If its strength or purity differs from the professed~~  
~~standard or quality under which it is sold.~~

34 **2. Meat or meat products.** In case of meat or meat products:  
36 If any sodium sulphite, sodium bisulphite or any drug, chemical,  
38 chemical compound or preservative from which sulphur dioxide can  
be liberated has been added thereto or mixed therewith.

40 **Sec. 19. 7 MRSA §484** is amended to read:

42 **§484. Misbranding**

44 The term "misbranded" as used in this Title ~~shall apply~~  
46 chapter or chapter 103 applies to all articles of commercial  
feeding stuff, commercial fertilizer, ~~drug~~ or food, the package  
or label of which shall ~~bear~~ bears any statement, design or  
48 device regarding such article, or the ingredients or substances  
contained therein, ~~which shall be that is~~ that is false or misleading in

any particular, or which that is falsely branded in any particular.

~~For the purpose of this Title an article shall be deemed to be misbranded:-~~

~~1.---Drug,--In case of a drug,--~~

~~A.---If it be an imitation of or offered for sale under the name of another article,--~~

~~B.---If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or except in the case of a physician's prescription compounded by a physician or a registered pharmacist, if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or any preparation of any such substances contained therein.~~

Sec. 20. 7 MRSA §485, as amended by PL 1975, c. 382, §1, is repealed.

Sec. 21. 7 MRSA §486, as amended by PL 1979, c. 672, Pt. A, §18, is repealed.

Sec. 22. 7 MRSA §487 is repealed.

Sec. 23. 7 MRSA §488-A. sub-§1, as enacted by PL 2003, c. 452, Pt. B, §3 and affected by Pt. X, §2, is amended to read:

**1. Violation.** A person may not adulterate or misbrand, within the meaning of this Title chapter or chapter 103, any commercial feeding stuff, commercial fertilizer, ~~drug~~, food or vinegar or manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation any article of commercial feeding stuff, commercial fertilizer, ~~drug~~, food or vinegar in violation of this Title chapter or chapter 103.

Sec. 24. 7 MRSA §489, first ¶, as amended by PL 2003, c. 452, Pt. B, §4 and affected by Pt. X, §2, is further amended to read:

A person may not be prosecuted under chapter 401, and sections ~~481~~ 482 to 488-A, 490 and 640 to 643, when that person can establish proof of purchase, and a guaranty signed by the person residing in the United States from whom the purchase was made, to the effect that the article in question is not



adulterated or misbranded within the meaning of this Title  
chapter or chapter 103.

Sec. 25. 7 MRSA §490 is enacted to read:

**§490. Sampling and analysis of seed, commercial feed,  
commercial fertilizer and food**

**1. Right of entry.** For the purposes of administering and enforcing this subchapter, the commissioner and agents authorized by the commissioner have rights of access, ingress and egress at reasonable hours to any place or building where seeds, commercial feed, commercial fertilizer or food is sold or offered for sale or where those items are stored, manufactured or transported prior to sale or being offered for sale.

**2. Taking of samples.** For the purposes of administering and enforcing this subchapter, the commissioner and agents authorized by the commissioner may open any case, package or other container of seeds, commercial feed, commercial fertilizer or food. Upon receipt of a written request for payment, the commissioner shall pay the fair market value of any samples taken and retained or destroyed.

**3. Analysis and disclosure of test results.** The commissioner may submit a sample obtained for the purposes of enforcing this subchapter to a public or private laboratory for analysis. The commissioner shall make available to the public the results of such an analysis, including the name of the person from whom the sample was obtained, the name of the manufacturer of the sample and additional information that the commissioner believes is advisable.

**4. Issuance of certificate.** A certificate stating the results of an analysis performed in accordance with this section and signed by the director of the laboratory performing the analysis is presumptive evidence of the facts stated in the certificate.

Sec. 26. 7 MRSA §508, sub-§7, as enacted by PL 1965, c. 65, is amended to read:

**7. Reused food or drugs.** ~~The-introduction~~ To introduce or ~~delivery deliver~~ for introduction into commerce, or the receipt in commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug or cosmetic container or in a container ~~which that~~, though not a reused container, is identifiable as a food, drug or cosmetic container by its labeling or other identification. The reuse of a food, drug or cosmetic container as a container for a hazardous

2 substance is an act which that results in the hazardous substance  
3 being a misbranded package. For the purposes of this subsection  
4 and section 509, "drug" has the same meaning as defined in Title  
5 32, section 13702, subsection 9.

6 **Sec. 27. 7 MRSA §528**, as amended by PL 1973, c. 625, §38, is  
7 further amended to read:

8 **§528. Exemptions**

9 ~~Neither this subchapter nor regulations promulgated under~~  
10 ~~this subchapter shall preclude the continued use of returnable or~~  
11 ~~reusable glass containers for beverages in inventory or with the~~  
12 ~~trade as of October 1, 1969 or any such regulation, nor shall any~~  
13 ~~regulation or this subchapter preclude the orderly disposal of~~  
14 ~~packages or containers in inventory or with the trade as of the~~  
15 ~~effective date of such regulation or of this subchapter.~~

16 All packages of consumer commodities which that have been  
17 labeled ~~labeled~~ in accordance with federal regulations established  
18 by the United States Secretary of Health, Education and Welfare  
19 Department of Health and Human Services, the Federal Trade  
20 Commission or by the United States Department of Agriculture  
21 shall ~~not be included under~~ are in compliance with this  
22 subchapter.

23 **Sec. 28. 7 MRSA §631-A**, as amended by PL 1977, c. 694, §67,  
24 is further amended to read:

25 **§631-A. Official standards**

26 The commissioner ~~is authorized, after holding public~~  
27 ~~hearing, to may by rule establish and promulgate, in a manner~~  
28 ~~consistent with the rule making procedures of the Maine~~  
29 ~~Administrative Procedure Act, official definitions and standards~~  
30 and sizes for grading or classifying, packaging and labeling eggs  
31 and ~~to change such official standards and sizes from time to time.~~

32 ~~Such official~~ The standards and sizes shall pursuant to this  
33 section may not be lower in their requirements than the minimum  
34 requirements and the official standards and sizes for  
35 corresponding grades or classifications as ~~promulgated from time~~  
36 to time adopted by the Secretary of Agriculture of the United  
37 States, commonly known as U.S. Grades. The commissioner may  
38 adopt by reference the United States standards, grades and weight  
39 classes for shell eggs as adopted by the United States Department  
40 of Agriculture Agricultural Marketing Service. Rules adopted  
41 pursuant to this section are routine technical rules as defined  
42 in Title 5, chapter 375, subchapter 2-A.

2           **Sec. 29. 7 MRSA §633, first ¶**, as repealed and replaced by PL  
1973, c. 48, §3, is amended to read:

4           The ~~Except~~ as provided in section 636, the standards of  
quality for Maine consumer grades for shell eggs, ~~Grade-AA, Grade~~  
6   A ~~and Grade-B~~, that are ~~or may be~~ established by the  
commissioner, ~~shall~~ apply to all shell eggs sold or offered for  
8   sale. The final determination of the grades ~~shall be~~ is made by  
candling.

10           **Sec. 30. 7 MRSA §635-A** is enacted to read:

12           **§635-A. Prohibition on sale of restricted eggs**

14           A person may not sell restricted eggs except that an egg  
16   producer or packer may sell restricted eggs on that producer's or  
packer's premises directly to a household consumer for use by  
18   that consumer and members of the consumer's household and the  
consumer's nonpaying guests and employees.

20           **Sec. 31. 7 MRSA §636**, as repealed and replaced by PL 1973, c.  
22   48, §5, is repealed and the following enacted in its place:

24           **§636. Exemptions**

26           1. Direct sales to consumers. Producers selling eggs of  
their own production direct to consumers are exempt from sections  
28   631-A to 635 for those sales.

30           2. Eggs shipped for wholesale sale. An egg producer may  
ship eggs to a wholesaler or to another shipper without labeling  
32   and grading the eggs in accordance with sections 631-A to 635.  
When an egg producer ships eggs that are marked as to grade and  
34   size, the labeling must be accurate and comply with the standards  
of this subchapter and rules adopted pursuant to section 631-A.

36           **Sec. 32. 7 MRSA §637, first ¶**, as amended by PL 1977, c. 696,  
38   §66, is further amended to read:

40           The commissioner shall ~~have authority to~~ administer sections  
631 to ~~639~~ 643 and ~~to~~ may adopt, in a manner consistent with the  
42   Maine Administrative Procedure Act, uniform rules and ~~regulations~~  
for such administration. The commissioner may recover the  
44   ~~forfeitures~~ fines imposed for violations of ~~section~~ sections 631  
to ~~639~~ 643 in a civil action brought in ~~his own~~ the  
46   commissioner's name, with the venue to be as in other civil  
actions, and if he ~~prevails~~ prevailing in that action, the  
48   commissioner shall recover full costs.

2           **Sec. 33. 7 MRSA §638**, as repealed and replaced by PL 1977, c.  
696, §67, is amended to read:

4           **§638. Disposal of fines**

6           All ~~forfeitures received under section 631 to 639 by county~~  
7 ~~treasurers shall~~ fines imposed for violation of this subchapter  
8 must be paid by ~~them~~ to the commissioner. All ~~money received by~~  
9 ~~the commissioner under those sections shall be paid by him~~ The  
10 commissioner shall send all fines received for violations of this  
11 subchapter to the Treasurer of State for deposit in the General  
12 Fund.

14           **Sec. 34. 7 MRSA §712, sub-§1**, as enacted by PL 1971, c. 77,  
§1, is amended to read:

16           1. **Brand name.** "Brand name" means any a word, name, symbol  
17 or device, or any combination thereof, identifying that  
18 identifies the commercial feed of a distributor or registrant and  
19 distinguishing distinguishes it from that of others.

22           **Sec. 35. 7 MRSA §712, sub-§18**, as enacted by PL 1971, c. 77,  
§1, is amended to read:

24           18. **Product name.** "Product name" means the name of the  
25 commercial feed which that identifies it as to kind, class or  
26 specific use and distinguishes it from all other products bearing  
27 the same brand name.

30           **Sec. 36. 7 MRSA §714, sub-§1**, as amended by PL 2001, c. 422,  
§1, is further amended to read:

32           1. **Application for registration.** A person may not  
33 distribute in this State a commercial feed, except a  
34 customer-formula feed, that has not been registered pursuant to  
35 this section. The application for registration must be submitted  
36 in the manner prescribed by the commissioner on forms furnished  
37 by the commissioner, and accompanied by an annual fee of \$80 per  
38 brand product name for pet food and \$80 per brand product name  
39 for all other commercial feed. Upon approval by the commissioner  
40 the registration must be issued to the applicant. All  
41 registrations expire on the 31st day of December. The  
42 commissioner may issue a registration for a one-year, 2-year or  
43 3-year period. Registrations for a period in excess of one year  
44 may only be issued with the agreement of or at the request of the  
45 applicant. The fee for a 2-year registration is 2 times the  
46 annual fee. The fee for a 3-year registration is 3 times the  
47 annual fee.

2           **Sec. 37. 7 MRSA §714, sub-§4**, as enacted by PL 2005, c. 281,  
§1, is amended to read:

4           **4. Surcharge on registration of pet food.** For each brand  
product name of pet food registered in accordance with subsection  
6 1, the applicant shall pay a \$20 surcharge in addition to the  
registration fee. The commissioner shall deposit the surcharge  
8 into the Animal Welfare Fund established under section 3906-B,  
subsection 2.

10           **Sec. 38. 7 MRSA §720, sub-§6**, as enacted by PL 1971, c. 77,  
12 §1, is amended to read:

14           **6. Methods.** Sampling and analysis shall must be conducted  
in accordance with methods published by the Association of  
16 Official Analytical Chemists, or in accordance with other  
generally recognized methods. ~~The--Director--of--the--Maine~~  
18 ~~Agricultural-Experiment-Station-shall-annually-analyze,-or-cause~~  
~~to-be-analyzed,-samples-of-commercial-feeds-submitted-by-the~~  
20 ~~commissioner.~~

22           **Sec. 39. 7 MRSA §724, first ¶**, as enacted by PL 1971, c. 77,  
§1, is amended to read:

24           The commissioner shall publish the results of analysis of  
26 commercial feeds as--determined-by-the-Director-of-the-Maine  
Agricultural-Experiment-Station-shall-be-published-by-him-in-the  
28 bulletins-or-reports-of-the-experiment-station, together with the  
names of persons from whom the samples were obtained, the names  
30 of the manufacturers thereof and such additional information as  
~~to-him-may-seem~~ the commissioner determines is advisable.

32           **Sec. 40. 7 MRSA §745** is amended to read:

34           **§745. Inspection, sampling and analysis**

36           ~~It--shall-be-the-duty-of-the~~ The commissioner ~~to~~ shall  
38 inspect and sample for analysis in accordance with section 485  
~~490~~ commercial fertilizers distributed within this State ~~at-such~~  
40 ~~time-and-place-to-such-an~~ to the extent as he-may-deem the  
commissioner deems necessary to determine ~~whether-such-commercial~~  
42 ~~fertilizers--are--in~~ compliance with this subchapter. The  
commissioner is authorized to enter upon any public or private  
44 premises during regular business hours in order to have access to  
commercial fertilizers, subject to this subchapter and the rules  
46 ~~and-regulations-pertaining-thereto~~ adopted pursuant to section  
748.

48           The methods of sampling, sample preparation and analysis  
50 ~~shall-be~~ are those adopted from sources such as the Journal of

2 the Association of Official Agricultural Chemists. The  
3 commissioner, in determining for administrative purposes whether  
4 a commercial fertilizer is deficient in any component, ~~shall be~~  
5 is guided solely by the official sample as defined and obtained  
6 and analyzed as provided for in this section.

7 When the inspection and analysis of an official sample  
8 indicate a commercial fertilizer has been adulterated or  
9 misbranded, ~~the results of analysis shall be forwarded by~~ the  
10 commissioner shall forward the results of the analysis to the  
11 distributor or manufacturer. Upon request within 30 days, the  
12 commissioner shall furnish to the registrant a portion of the  
13 sample concerned.

14 **Sec. 41. 10 MRSA §1661-B, sub-§3**, as enacted by PL 2003, c.  
15 452, Pt. E, §4 and affected by Pt. X, §2, is amended to read:

16 **3. Enforcement.** The Commissioner of Agriculture, Food and  
17 Rural Resources shall enforce this section pursuant to Title 7,  
18 section 14 13.

## 22 SUMMARY

23 This bill is authorized pursuant to Public Law 2005, chapter  
24 382, Part G. This bill:

25 1. Repeals the requirement that the Commissioner of  
26 Agriculture, Food and Rural Resources provide an opportunity for  
27 a hearing when the commissioner becomes cognizant of a violation  
28 of any provision in the Maine Revised Statutes, Title 7 or other  
29 statutes delegating responsibility to the commissioner or the  
30 department;

31 2. Amends a provision relating to the farms purchased by  
32 the State for use by the Maine Agricultural Experiment Station;

33 3. Corrects the provision for annual reports by the county  
34 extension associations, requiring the reports to be sent to the  
35 University of Maine rather than its board of trustees;

36 4. Amends the legislative findings in Title 7, chapter 101,  
37 subchapter 1, Marketing and Advertising Farm Products;

38 5. Specifies that products sold at a farmers' market that  
39 are not grown or processed by the person selling the products  
40 must be purchased directly from another farmer who grew or  
41 processed the products;

- 2           6. Enacts an enforcement provision for determination of  
origin for products sold at a farmers' market;
- 4           7. Makes technical amendments to the enforcement provisions  
for the Maine Agricultural Commodities Marketing Act;
- 6           8. Clarifies language pertaining to prohibitions and  
8 inspections under market orders or agreements;
- 10          9. Revises an enforcement provision for determining origin  
of produce labeled "native";
- 12          10. Clarifies the definition of "licensed commodities";
- 14          11. Clarifies provisions relating to licensed commodities;
- 16          12. Repeals the definition of the term "drug" and  
18 provisions in Title 7 relating to adulteration of drugs and  
meats. The Maine Pharmacy Act, enacted in 1988, Title 32,  
20 chapter 117, establishes the Maine Board of Pharmacy and charges  
the board with regulation of drugs. The Department of  
22 Agriculture, Food and Rural Resources is charged with  
administering and enforcing provisions pertaining to preparation  
24 of meat under Title 22, chapter 562-A;
- 26          13. Repeals and reenacts provisions pertaining to sampling  
and analysis of seeds, commercial feeds, commercial fertilizers  
28 and food. It also authorizes the commissioner to have analyses  
performed at public or private laboratories and repeals specific  
30 responsibilities of the Director of the Agricultural Experiment  
Station relating to analysis;
- 32          14. Repeals transition language relating to use of beverage  
34 containers in inventory or trade prior to 1969;
- 36          15. Clarifies statutory provisions governing the sale of  
eggs;
- 38          16. Makes a technical change to a definition in the  
40 commercial feed statutes;
- 42          17. Amends the definition of "product name";
- 44          18. Uses the term "product name" to specify feed products  
to which a registration fee applies; and
- 46          19. Removes the statutory requirements of the Maine  
48 Agricultural Experiment Station with regard to analyzing  
commercial feeds and publishing results of the analysis.