

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 587

H.P. 454

House of Representatives, February 5, 2007

An Act To Protect and Improve Lake Water Quality

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative EBERLE of South Portland.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: ANNIS of Dover-Foxcroft, BLISS of South Portland, HINCK of Portland,
KOFFMAN of Bar Harbor, McDONOUGH of Scarborough, MUSE of Fryeburg, PIEH of
Bremen, WOODBURY of Yarmouth.

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

2 **Sec. 1. 38 MRSA §419**, as amended by PL 1991, c. 838, §§21 and 22, is further
3 amended to read:

4 **§419. Cleaning agents and lawn and turf fertilizer containing phosphate banned**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Dairy equipment", ~~as used in this section,~~ means equipment used by farmers or
8 processors for the manufacture or processing of milk and dairy products.

9 A-1. "Compost" means a biologically stable material derived from the composting
10 process.

11 A-2. "Composting" means the biological decomposition of organic matter. It is
12 accomplished by mixing and piling organic matter in such a way as to promote
13 aerobic decay, anaerobic decay or both.

14 A-3. "Fertilizer" means a substance containing one or more recognized plant
15 nutrients that is used for its plant nutrient content and designed for use or claimed to
16 have value in promoting plant growth. "Fertilizer" does not include animal and
17 vegetable manures that are not manipulated, marl, lime, limestone or topsoil.

18 A-4. "Fertilizer containing phosphorus" means a fertilizer containing more than
19 0.67% phosphate by weight.

20 B. "Food processing equipment", ~~as used in this section,~~ means equipment used for
21 the processing and packaging of food for sale, except that equipment used at
22 restaurants and similar places of business ~~shall~~ is not ~~be~~ included within the meaning
23 of "food processing equipment."

24 C. "High phosphorous detergent", ~~as used in this section,~~ means any detergent,
25 presoak, soap, enzyme or other cleaning agent containing more than 8.7%
26 phosphorous, by weight, but does not include detergent having a recommended use
27 level ~~which~~ that contains less than 7 grams of phosphorous by weight.

28 C-1. "Household laundry detergent" ~~as used in this section~~ means a cleaning agent
29 used primarily in private residences for washing clothes.

30 D. "Industrial equipment", ~~as used in this section,~~ means equipment used by
31 industrial concerns ~~which concerns~~ that are located on any brook, stream or river.

32 D-1. "Manipulated" means a process by which fertilizers are manufactured, blended
33 or mixed or animal or vegetable manures are treated in any manner, including
34 mechanical drying, grinding, pelleting and other means, or by adding other chemicals
35 or substances.

36 E. "Person", ~~as used in this section,~~ means any individual, firm, association,
37 partnership, corporation, municipality, quasi-municipal organization, agency of the
38 State or other legal entity.

39 **2. Prohibition.** ~~No~~ A person may ~~sell or use any high phosphorous detergent. not:~~

- 1 A. Sell or use a high phosphorous detergent; or
- 2 B. After January 1, 2008, sell fertilizer containing phosphorus for use on
3 nonagricultural lawn or turf or use fertilizer containing phosphorus on nonagricultural
4 lawn or turf unless:
- 5 (1) A soil test from an accredited laboratory indicates that additional phosphorus
6 is needed for that lawn or turf; or
- 7 (2) The fertilizer will be used in establishing a new lawn or turf. When
8 establishing new grass on bare soil, the fertilizer must be tilled into the soil.
- 9 The seller of fertilizer containing phosphorus for use on lawn or turf shall identify the
10 fertilizer by a department-approved sign that indicates that the product may not be
11 used except as provided in this paragraph. The sign must be positioned between 4 and
12 7 feet above the floor and prominently posted where fertilizers containing phosphorus
13 for use on lawn or turf are displayed.
- 14 **2-A. Household laundry detergent.** After July 1, 1993, a person may not sell or
15 offer for sale in this State a household laundry detergent that contains more than 0.5%
16 phosphorus by weight expressed as elemental phosphorus.
- 17 **3. Exception.** Subsection 2 ~~shall~~ does not apply to ~~any high phosphorous detergent~~
18 ~~sold and used for the purpose of cleaning dairy equipment, food processing equipment~~
19 ~~and industrial equipment. :~~
- 20 A. A high phosphorous detergent sold and used for the purpose of cleaning dairy
21 equipment, food processing equipment and industrial equipment;
- 22 B. Fertilizers used for agricultural crops or for flower or vegetable gardening; or
- 23 C. Compost.

24

SUMMARY

25 This bill amends the Maine Revised Statutes, Title 38, section 419, which bans
26 cleaning agents containing phosphates, to add a prohibition against the sale or use of
27 fertilizer containing phosphorus for nonagricultural lawn or turf unless a soil test
28 indicates that additional phosphate is needed or the fertilizer will be used in the
29 establishment of a new lawn. When establishing new grass on bare soil, the fertilizer must
30 be tilled into the soil. The seller of fertilizer containing phosphorus for use on lawn or turf
31 shall identify such fertilizer by a sign approved by the Department of Environmental
32 Protection indicating that the product may not be used except as indicated. The sign must
33 be positioned between 4 and 7 feet above the floor and prominently posted where
34 fertilizers containing phosphorus for use on lawn or turf are displayed.