

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1673

S.P. 578

March 22, 2007

An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DOW of Lincoln.

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

2 **Sec. 1. 7 MRSA §714**, as amended by PL 2005, c. 512, §§38 and 39, is further
3 amended to read:

4 **§714. Registration**

5 **1. Application for registration.** A person may not distribute in this State a
6 commercial feed, except a customer-formula feed, that has not been registered pursuant to
7 this section. The application for registration must be submitted in the manner prescribed
8 by the commissioner on forms furnished by the commissioner, ~~and accompanied by an~~
9 The annual fee of is \$80 per product name for pet food and except that the total annual
10 fee for a home-based manufacturer of pet food producing 10 or fewer product names and
11 selling directly to consumers is \$100. The annual fee is \$80 per product name for all
12 other commercial feed. Upon approval by the commissioner the registration must be
13 issued to the applicant. All registrations expire on the 31st day of December. The
14 commissioner may issue a registration for a one-year, 2-year or 3-year period.
15 Registrations for a period in excess of one year may only be issued with the agreement of
16 or at the request of the applicant. The fee for a 2-year registration is 2 times the annual
17 fee. The fee for a 3-year registration is 3 times the annual fee.

18 **2. Fees.** The commissioner shall deposit 1/2 of the fees collected pursuant to
19 subsection 1 in the General Fund and 1/2 of the fees collected in the Animal Welfare
20 Fund established under section 3906-B.

21 **3. Refusal.** The commissioner is empowered to refuse registration of any
22 commercial feed not in compliance with this subchapter and to cancel any registration
23 subsequently found not to be in compliance with any provision of this subchapter.
24 Registration, refusal and cancellation ~~shall be considered rule making~~ are rulemaking as
25 that term is defined in the Maine Administrative Procedure Act and notice and
26 opportunity for a hearing ~~shall~~ must be provided prior to refusal or cancellation in a
27 manner consistent with the Maine Administrative Procedure Act. In any case, no
28 registration ~~shall~~ may be refused or canceled, unless the registrant shall ~~have~~ has been
29 given an opportunity to amend ~~his~~ the application in order to comply with the
30 requirements of this subchapter.

31 **4. Surcharge on registration of pet food.** For each product name of pet food
32 registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in
33 addition to the registration fee, except that a home-based manufacturer of pet food
34 producing 10 or fewer product names and selling directly to consumers shall pay a total
35 annual surcharge of \$20. The commissioner shall deposit the surcharge into the Animal
36 Welfare Fund established under section 3906-B, subsection 2.

37

SUMMARY

38 This bill reduces annual pet food registration and surcharge fees for home-based
39 manufacturers of pet food that produce 10 or fewer product names and that sell directly to

1 consumers. The total annual registration fee is \$100 and the total annual surcharge is
2 \$20.