## MAINE STATE LEGISLATURE

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## 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

Legislative Document

No. 1255

H.P. 874

House of Representatives, March 31, 2009

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McCABE of Skowhegan.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: CRAY of Palmyra, EDGECOMB of Caribou, KENT of Woolwich, O'BRIEN of Lincolnville, PIEH of Bremen.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 7 MRSA §742, sub-§8 is amended to read:
3 4 5	8. Grade. "Grade" means any commercial fertilizer having a specific and minimum percentage of plant nutrients that is the same guarantee as the guaranteed analysis expressed in whole numbers.
6	Sec. 2. 7 MRSA §2104-A is enacted to read:
7	§2104-A. Arrears in payments to Seed Potato Board
8 9 10	A person who on July 15th of any year is in arrears as to full payment for potato seed purchased from the Seed Potato Board is not eligible for listing in the Maine certificated potatoes book for that year published by the department's Division of Plant Industry.
11 12	Sec. 3. 7 MRSA §2701, as amended by PL 1999, c. 401, Pt. H, §2, is furthe amended to read:
13	§2701. Licensing
14 15 16 17 18 19 20 21 22 23 24	All persons owning honeybees within the State shall annually notify the commissioner of the keeping of bees and the location of the bees and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee not to exceed \$2 per colony for all bees kept on June 15th of each year. A license may be issued for one year, 2 year or 3 year period. Licenses for a period in excess of one year may be issued only with the agreement of or at the request of the applicant. The fee for a 2 year license is 2 times the annual fee. The fee for a 3 year license is 3 times the annual fee Fees must be established by rule in accordance with the Maine Administrative Procedur Act. No license fee returned may be less than \$2 per beekeeper. License fees accrue as dedicated revenue to the Division of Plant Industry to fund the cost of apiary inspection and licensing.  Between 14 and 30 days prior to June 15th annually, the commissioner shall cause
26 27 28	notice of the annual notification and license fee requirement to be <del>published at least twice</del> in the state newspaper and in other newspapers or journals of general circulation adequate to provide reasonable notice throughout the State <u>publicized</u> .
29	Sec. 4. 22 MRSA §1471-N, as amended by PL 1979, c. 187, is repealed.
30 31	<b>Sec. 5. 22 MRSA §2153,</b> as amended by PL 1977, c. 694, §§346 and 347, i further amended by adding at the end a new paragraph to read:
32 33 34 35 36	Notwithstanding Title 1, section 402, the commissioner shall prohibit the release of information provided by the United States Department of Agriculture, Food Safety and Inspection Service pursuant to 9 Code of Federal Regulations, Section 390.9 (2008) or by the Food and Drug Administration pursuant to 21 Code of Federal Regulations, Section 20.88 (2008).

Sec. 6. 22 MRSA §2169, 3rd ¶, as enacted by PL 1999, c. 598, §1 and affected 2 by §4, is amended to read: 3 Beginning August 1, 2000, each one-, 2- or 3-year license or license renewal issued 4 expires on December 31st of the appropriate year except that, beginning January 1, 2010, 5 each one-year, 2-year or 3-year license or license renewal expires on the date of issuance 6 of the appropriate year. When an initial license is issued or when a license is renewed 7 between August 1, 2000 and August 1, 2003, the license fee is prorated based on the 8 number of months the license is valid and the annual fee. When a license is renewed 9 between January 1, 2010 and January 1, 2011, the period of time that the license is valid 10 may be increased by up to 11 months and the license fee is prorated based on the number 11 of months the license is valid and the annual fee. 12 Sec. 7. 22 MRSA §2513, as enacted by PL 1999, c. 777, §1, is amended to read: 13 §2513. Rules 14 . The commissioner shall adopt rules to carry out the purposes of this chapter. 15 Notwithstanding Title 5, section 8052, subsection 8, such rules may adopt by general 16 reference those provisions of the Code of Federal Regulations that are applicable to meat and poultry inspection, as such regulations may be amended, and that are necessary to 17 18 remain in compliance with the federal requirements for the State's meat and poultry 19 products inspection and licensing program under section 2512. Rules adopted under this 20 chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A 2-A.

## **SUMMARY**

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The bill allows the Department of Agriculture, Food and Rural Resources to withhold from listing in the annual Maine seed certification book the names of growers who have failed to pay for seed purchased from the Seed Potato Board.

The bill directs the department to set through rulemaking fees for the cost of licensing bee colonies.

The bill creates uniformity between state and federal standards for chemical control of vertebrates.

The bill staggers the expiration dates of certain licenses issued by the department, adopts portions of the Code of Federal Regulations pertaining to the State's meat and poultry inspection program and creates uniformity with federal standards pertaining to certain information provided by the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration.