

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 **8. Grade.** "Grade" means any commercial fertilizer having a specific and minimum
4 percentage of plant nutrients that is the same guarantee as the guaranteed analysis,
5 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 A person who on July 15th of any year is in arrears as to full payment for potato seed
9 purchased from the Seed Potato Board is not eligible for listing in the Maine certified
10 seed potatoes book for that year published by the department's Division of Plant Industry.

11 **Sec. 3. 7 MRSA §2701**, as amended by PL 1999, c. 401, Pt. H, §2, is further
12 amended to read:

13 **§2701. Licensing**

14 All persons owning honeybees within the State shall annually notify the
15 commissioner of the keeping of bees and the location of the bees and shall forward to the
16 commissioner for deposit with the Treasurer of State an annual license fee ~~not to exceed~~
17 ~~\$2 per colony~~ for all bees kept on June 15th of each year. ~~A license may be issued for a~~
18 ~~one-year, 2-year or 3-year period. Licenses for a period in excess of one year may be~~
19 ~~issued only with the agreement of or at the request of the applicant. The fee for a 2-year~~
20 ~~license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee.~~
21 Fees must be established by rule in accordance with the Maine Administrative Procedure
22 Act. ~~No license fee returned may be less than \$2 per beekeeper.~~ License fees accrue as
23 a dedicated revenue to the Division of Plant Industry to fund the cost of apiary inspection
24 and licensing.

25 Between 14 and 30 days prior to June 15th annually, the commissioner shall cause
26 notice of the annual notification and license fee requirement to be ~~published at least twice~~
27 ~~in the state newspaper and in other newspapers or journals of general circulation adequate~~
28 ~~to provide reasonable notice throughout the State publicized.~~

29 **Sec. 4. 22 MRSA §1471-N**, as amended by PL 1979, c. 187, is repealed.

30 **Sec. 5. 22 MRSA §2153**, as amended by PL 1977, c. 694, §§346 and 347, is
31 further amended by adding at the end a new paragraph to read:

32 Notwithstanding Title 1, section 402, the commissioner shall prohibit the release of
33 information provided by the United States Department of Agriculture, Food Safety and
34 Inspection Service pursuant to 9 Code of Federal Regulations, Section 390.9 (2008) or by
35 the Food and Drug Administration pursuant to 21 Code of Federal Regulations, Section
36 20.88 (2008).

