

MAINE STATE LEGISLATURE

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5/10/12

L.D. 1602

Date: 3/29/12

(Filing No. H-854)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1211, L.D. 1602, Bill, "An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold"

Amend the bill by inserting after section 2 the following:

Sec. 3. Report to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The Department of Agriculture, Food and Rural Resources, referred to in this section as "the department," shall review the types and quantities of fertilizers and liming materials required to be registered under the Maine Revised Statutes, Title 7, chapter 103, subchapters 5 and 5-A. The department shall review definitions of "commercial fertilizer," "agricultural liming materials," "plant amendment" and "soil amendment" used in those subchapters and Title 7, chapter 103, subchapter 5-B and the term "agronomic benefit" as used in Department of Environmental Protection rules pertaining to the agronomic use of residuals. The department shall determine if additional definitions or statutory provisions are needed to regulate liquid fertilizers.

The department, in consultation with the Department of Environmental Protection, shall review products derived from residuals regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 419: Agronomic Utilization of Residuals; products derived from solid waste composting facilities regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 410: Composting Facilities; and products derived from agricultural composting operations as defined in Title 7, section 152, subsection 1. The departments shall review and consider the development of inspection, sampling and analysis of these products and the degree of inspection, sampling and analysis warranted for each type of product. The department shall compare the anticipated revenue from fees collected under Title 7, section 743-A and section 766 with the cost of maintaining inspection, sampling and analysis of these products at a level sufficient for consumer protection.

The department shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than

COMMITTEE AMENDMENT

1 January 15, 2013. No later than January 15, 2013 the department shall submit legislation,
2 including revisions to definitions, needed to implement its recommendations.

3 **Sec. 4. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

6 **Division of Quality Assurance and Regulation 0393**

7 Initiative: Provides allocation for one Consumer Protection Inspector position and related
8 All Other costs to administer the commercial fertilizer sampling program.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
11	Personal Services	\$0	\$65,832
12	All Other	\$0	\$56,155
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$121,987</u>
15			

16 **SUMMARY**

17 This amendment directs the Department of Agriculture, Food and Rural Resources to
18 review the types and quantities of fertilizers and liming products for which registration is
19 required in the State and to review regulation of residuals for agronomic use. The
20 department is directed to review certain definitions and terms. The department is directed
21 to report to the legislative committee of jurisdiction with its findings and
22 recommendations and to submit legislation necessary to implement those
23 recommendations. This amendment also adds an appropriations and allocations section
24 to the bill establishing an ongoing Consumer Protection Inspector position funded from
25 the dedicated account receiving tonnage fees for fertilizers and liming materials sold in
26 the State.

27 **FISCAL NOTE REQUIRED**

28 (See attached)



125th MAINE LEGISLATURE

LD 1602

LR 2506(02)

An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-854)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$121,987	\$124,015	\$126,105

Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation to the Department of Agriculture, Food and Rural Resources of \$121,987 in fiscal year 2012-13 for one Consumer Protection Inspector position and related costs to administer the commercial fertilizer sampling program. The bill changes the fertilizer and agricultural liming material reporting fee from \$1 per ton or \$100 for each brand or grade, whichever is more, to \$1 per ton. This change is not expected to significantly affect revenue to the department.

Additional costs to the Departments of Agriculture, Food and Rural Resources and Environmental Protection related to performing the review described in the legislation and reporting the results can be absorbed within existing budgeted resources.