

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 938

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S.P. 329

In Senate, March 17, 2015

### An Act To Clarify Maine's Fertilizer Quality Control Laws

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Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative HICKMAN of Winthrop and  
Representatives: BLACK of Wilton, DUNPHY of Old Town, MAREAN of Hollis, NOON of  
Sanford.

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

2 **Sec. 1. 7 MRSA §742, sub-§9, ¶A**, as amended by PL 2007, c. 147, §2, is further  
3 amended to read:

4 A. "Guaranteed analysis" ~~shall mean~~ means the minimum percentage of plant  
5 nutrients claimed in the following order and form:

6 Total Nitrogen (N) ..... ~~per cent~~ %

7 Available ~~Phosphoric Acid~~ Phosphate (P<sub>2</sub>O<sub>5</sub>)..... ~~per cent~~ %

8 Soluble Potash (K<sub>2</sub>O) ..... ~~per cent~~ %; and

9 **Sec. 2. 7 MRSA §743-A, sub-§1**, as amended by PL 2011, c. 607, §1, is further  
10 amended to read:

11 **1. Registrants required to report.** On or before September 1st of each year, a  
12 registrant shall file with the commissioner, on a form prescribed by the commissioner, the  
13 number of tons of each brand and grade of commercial fertilizer sold by the registrant in  
14 the State during the 12 months preceding July 1st of that year. A fee of ~~\$4~~ 50 cents per  
15 ton sold during the 12 months preceding July 1st of that year must accompany the form.

16 **Sec. 3. 7 MRSA §743-A, sub-§3**, as enacted by PL 2009, c. 393, §3, is amended  
17 to read:

18 **3. Commissioner's report.** The commissioner or the commissioner's agent may  
19 publish and distribute annually, to each registrant and other interested persons, a report  
20 showing the total tons of commercial fertilizer and the total tons by grade sold in the  
21 State.

22 **Sec. 4. 7 MRSA §745, first ¶**, as amended by PL 2007, c. 147, §4, is further  
23 amended to read:

24 The commissioner shall inspect and sample for analysis in accordance with section  
25 490 commercial fertilizers distributed within this State to the extent the commissioner  
26 considers necessary to determine compliance with this subchapter. The commissioner or  
27 the commissioner's agent is authorized to enter upon any public or private premises  
28 during regular business hours in order to have access to commercial fertilizers, subject to  
29 this subchapter and the rules adopted pursuant to section 748.

30 **Sec. 5. 7 MRSA §751, sub-§3**, as enacted by PL 2007, c. 147, §8, is amended to  
31 read:

32 **3. Determination of commercial value.** For the purpose of determining the  
33 commercial value ~~of fertilizer to be applied in determining assessment under this section,~~  
34 the commissioner shall ~~use the amount originally invoiced to the consumer~~ determine and  
35 publish annually the values per unit of total nitrogen, available phosphate, and soluble  
36 potash or other nutrients that the registrant is required to or may guarantee in fertilizers in  
37 this State. The values ~~derived from the invoice so determined and published~~ must be  
38 used in determining ~~the assessment~~ and assessing penalty payments.

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## **SUMMARY**

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This bill reduces by half, from \$1 to 50 cents per ton, the fees collected by the

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Department of Agriculture, Conservation and Forestry on commercial fertilizer sold in

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the State. It also simplifies and clarifies the restitution process whereby farmers are

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compensated for deficient fertilizer products.