

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## An Act To Protect and Improve Lake Water Quality

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

**Sec. 1. 38 MRSA §419**, as amended by PL 1991, c. 838, §§21 and 22, is further amended to read:

### **§ 419. Cleaning agents and lawn and turf fertilizer containing phosphate banned**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

*Insert standard definition in sub- § 1 at beginning*

A. "Dairy equipment", ~~as used in this section,~~ means equipment used by farmers or processors for the manufacture or processing of milk and dairy products.

A-1. "Compost" means a biologically stable material derived from the composting process.

A-2. "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling organic matter in such a way as to promote aerobic decay, anaerobic decay or both.

A-3. "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. "Fertilizer" does not include animal and vegetable manures that are not manipulated, marl, lime, limestone or topsoil.

A-4. "Fertilizer containing phosphorus" means a fertilizer containing more than 0.67% phosphate by weight.

B. "Food processing equipment", ~~as used in this section,~~ means equipment used for the processing and packaging of food for sale, except that equipment used at restaurants and similar places of business shall is not be included within the meaning of "food processing equipment."

C. "High phosphorous detergent", ~~as used in this section,~~ means any detergent, presoak, soap, enzyme or other cleaning agent containing more than 8.7% phosphorous, by weight, but does not include detergent having a recommended use level ~~which~~that contains less than 7 grams of phosphorous by weight.

C-1. "Household laundry detergent" ~~as used in this section~~ means a cleaning agent used primarily in private residences for washing clothes.

D. "Industrial equipment", ~~as used in this section,~~ means equipment used by industrial concerns ~~which concern~~that are located on any brook, stream or river.

D-1. "Manipulated" means a process by which fertilizers are manufactured, blended or mixed or animal or vegetable manures are treated in any manner, including mechanical drying, grinding, pelleting and other means, or by adding other chemicals or substances.

E. "Person", ~~as used in this section,~~ means any individual, firm, association, partnership, corporation, municipality, quasi-municipal organization, agency of the State or other legal entity.

**2. Prohibition.** ~~No~~A person may sell or use any high phosphorous detergent.~~not:~~

A. Sell or use a high phosphorous detergent; or

B. After January 1, 2008, sell fertilizer containing phosphorus for use on nonagricultural lawn or turf or use fertilizer containing phosphorus on nonagricultural lawn or turf unless:

(1) A soil test from an accredited laboratory indicates that additional phosphorus is needed for that lawn or turf; or

(2) The fertilizer will be used in establishing a new lawn or turf. When establishing new grass on bare soil, the fertilizer must be tilled into the soil.

The seller of fertilizer containing phosphorus for use on lawn or turf shall identify the fertilizer by a department-approved sign that indicates that the product may not be used except as provided in this paragraph. The sign must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawn or turf are displayed.

**2-A. Household laundry detergent.** After July 1, 1993, a person may not sell or offer for sale in this State a household laundry detergent that contains more than 0.5% phosphorus by weight expressed as elemental phosphorus.

**3. Exception.** ~~Subsection 2 shall~~does not apply to any high phosphorous detergent sold and used for the purpose of cleaning dairy equipment, food processing equipment and industrial equipment.:

A. A high phosphorous detergent sold and used for the purpose of cleaning dairy equipment, food processing equipment and industrial equipment;

B. Fertilizers used for agricultural crops or for flower or vegetable gardening; or

C. Compost.

## SUMMARY

This bill amends the Maine Revised Statutes, Title 38, section 419, which bans cleaning agents containing phosphates, to add a prohibition against the sale or use of fertilizer containing phosphorus for nonagricultural lawn or turf unless a soil test indicates that additional phosphate is needed or the fertilizer

will be used in the establishment of a new lawn. When establishing new grass on bare soil, the fertilizer must be tilled into the soil. The seller of fertilizer containing phosphorus for use on lawn or turf shall identify such fertilizer by a sign approved by the Department of Environmental Protection indicating that the product may not be used except as indicated. The sign must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawn or turf are displayed.