

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

Amend the bill by striking out the title and substituting the following:

**'An Act To Protect and Improve Lake Water Quality
by Reducing Phosphorus in Lawn Care Fertilizer'**

Amend the bill in section 1 in §419 by striking out all of subsection 2 (page 1, line 39 and page 2, lines 1 to 13 in L.D.) and inserting the following:

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

A. Sell or use a high phosphorus detergent; or

B. Sell fertilizer containing phosphorus at a retail store after January 1, 2008 unless the seller posts a department-approved sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf due to potential adverse effects on water quality, except when:

(1) Soil test results from a laboratory indicate that additional phosphorus is needed for that lawn or turf; or

(2) The fertilizer will be used in establishing a new lawn or turf, including establishing turf at a sod farm, or for reseeding or overseeding an existing lawn or turf.

The sign required by this paragraph must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawns or turf are displayed. For purposes of this paragraph, "retail store" means a commercial establishment that sells fertilizer on the store premises for use off the premises.'

Amend the bill by inserting before the summary the following:

'Sec. 2. Report. By February 1, 2008, the Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality, such as by restoring naturally vegetated buffers on lake shorelines, by evaluating compensation fee amounts that have been established to offset phosphorus inputs and by examining other issues identified in the development of the report. The department shall consult with state agencies as well as representatives of interested stakeholder groups, including business and environmental groups and the Maine Municipal Association, when developing these recommendations. The Joint Standing Committee on Natural Resources may submit legislation based on the recommendations to the Second Regular Session of the 123rd Legislature.'

SUMMARY

This amendment removes the provision of the bill that prohibits the use of fertilizer containing phosphorus. The amendment prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

FISCAL NOTE REQUIRED
(See attached)