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

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.

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 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.

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.

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.

Effective September 20, 2007