

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 Clarify Maine's Fertilizer Quality Control Laws

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

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

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

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

Available Phosphoric ~~Acid~~Phosphate (P₂O₅)..... ~~per cent~~%

Soluble Potash (K₂O) ~~per cent~~%; and

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

1. Registrants required to report. On or before September 1st of each year, a registrant shall file with the commissioner, on a form prescribed by the commissioner, the number of tons of each brand and grade of commercial fertilizer sold by the registrant in the State during the 12 months preceding July 1st of that year. A fee of ~~\$150 cents~~ per ton sold during the 12 months preceding July 1st of that year must accompany the form.

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

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

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

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

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

3. Determination of commercial value. For the purpose of determining the commercial value ~~of fertilizerto be applied in determining assessment under this section~~, the commissioner shall use ~~the amount originally invoiced to the consumer~~determine and publish annually the values per unit of total

nitrogen, available phosphate;and soluble potash or other nutrients that the registrant is required to or may guarantee in fertilizers in this State. The values ~~derived from the invoices~~ so determined and published must be used in determining ~~the assessment~~ and assessing penalty payments.

SUMMARY

This bill reduces by half, from \$1 to 50 cents per ton, the fees collected by the Department of Agriculture, Conservation and Forestry on commercial fertilizer sold in the State. It also simplifies and clarifies the restitution process whereby farmers are compensated for deficient fertilizer products.