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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 329, L.D. 938, Bill, “An Act To Clarify
Maine's Fertilizer Quality Control Laws”

Amend the bill by striking out all of section 2 and inserting the following:

Sec. 2. 7 MRSA §743, as amended by PL 2005, c. 12, Pt. EEE, §1, is further
amended to read:

§743. Registration

Each brand and grade of commercial fertilizer must be registered before being
offered for sale, sold or distributed in this State. The application for registration must be
submitted to the commissioner on forms furnished by the commissioner and must be
accompanied by an annual fee of ~~\$100~~ \$125 per product. All registrations expire on
December 31st or in a manner consistent with the provisions as to license expiration of
the Maine Administrative Procedure Act, Title 5, section 10002, whichever is later. The
commissioner may issue a registration for a one-year, 2-year or 3-year period.
Registrations for a period in excess of one year may only be issued with the agreement of
or at the request of the applicant. The fee for a 2-year registration is 2 times the annual
fee. The fee for a 3-year registration is 3 times the annual fee. The commissioner may
refuse to register or renew or may suspend or cancel registration for failure to comply
with this subchapter or with rules adopted pursuant to this subchapter. This refusal,
suspension or cancellation is considered rulemaking as that term is defined in the Maine
Administrative Procedure Act, Title 5, chapter 375 and notice and opportunity for a
hearing must be provided in a manner consistent with the Maine Administrative
Procedure Act, Title 5, chapter 375. The application must include the following
information:

- 1. Weight.** The net weight;
- 2. Brand and grade.** The brand and grade;
- 3. Analysis.** The guaranteed analysis;
- 4. Registrant's name and address.** The name and address of the registrant; and

COMMITTEE AMENDMENT

1 **5. Additional information.** Additional information as required in rules adopted by
2 the department.

3 ~~The fees so~~ Of the fee collected by the commissioner ~~shall~~ under this section, \$100
4 must be deposited in the General Fund and \$25 must be deposited in a dedicated,
5 nonlapsing account established under section 765, subsection 2 and used for the purpose
6 of administering and enforcing this subchapter and subchapter 5-A.

7 A distributor ~~shall~~ is not be required to register any brand and grade of commercial
8 fertilizer ~~which that~~ is already registered under this subchapter by another person.

9 The plant nutrient content of each and every brand and grade of commercial fertilizer
10 must remain uniform for the period of registration.

11 The commissioner shall review annually the fertilizer inspection and sampling
12 program established under this subchapter and report findings and any recommendations
13 for changes to the program by February 1st annually to the joint standing committee of
14 the Legislature having jurisdiction over agricultural matters, which after receiving the
15 report may report out a bill to the Legislature to make adjustments to the program.

16 **Sec. 3. 7 MRSA §743-A, sub-§1,** as amended by PL 2011, c. 607, §1, is further
17 amended to read:

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

23 **Sec. 4. 7 MRSA §743-A, sub-§2,** as enacted by PL 2009, c. 393, §3, is repealed.'

24 Amend the bill by inserting after section 5 the following:

25 '**Sec. 6. 7 MRSA §765, sub-§2,** as amended by PL 2009, c. 393, §4, is further
26 amended to read:

27 **2. Fees; nonlapsing fund.** The commissioner shall collect all fees under this
28 subchapter and section ~~743-A~~ 743 and deposit them with the Treasurer of State in a
29 separate account to be used for carrying out this subchapter and subchapter 5, including
30 the cost of inspection, sampling and analysis of commercial fertilizers and agricultural
31 liming materials. These funds do not lapse, but remain in a carry-over account.

32 **Sec. 7. 7 MRSA §766, sub-§1,** as amended by PL 2011, c. 607, §2, is further
33 amended to read:

34 **1. By registrants.** On or before September 1st in each year each registrant shall file
35 with the commissioner, on forms prescribed by the commissioner, the number of tons of
36 each agricultural liming material sold during the 12 months preceding July 1st of that
37 year. ~~A fee of \$1 per ton sold during the 12 months preceding July 1st of that year must~~
38 ~~accompany the form.'~~

39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
40 section number to read consecutively.

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SUMMARY

This unanimous committee amendment eliminates the per ton fees collected by the Department of Agriculture, Conservation and Forestry on agricultural liming materials and on commercial fertilizer sold in the State, increases the per product commercial fertilizer registration fee by \$25, directs the increase to a separate account to be used for carrying out the Maine Commercial Fertilizer Law and the Maine Agricultural Liming Materials Act and requires the submission of an annual report to the joint standing committee of the Legislature having jurisdiction over agricultural matters, which is authorized to report out a bill.

FISCAL NOTE REQUIRED

(See attached)