

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

—
H.P. 1211 - L.D. 1602

An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

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

Sec. 1. 7 MRSA §743-A, sub-§1, as enacted by PL 2009, c. 393, §3, is 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 \$1 per ton ~~or \$100 for each brand and grade of fertilizer, whichever is more~~, sold during the 12 months preceding July 1st of that year must accompany the form.

Sec. 2. 7 MRSA §766, sub-§1, as amended by PL 2009, c. 393, §5, is further amended to read:

1. By registrants. On or before September 1st in each year each registrant shall file with the commissioner, on forms prescribed by the commissioner, the number of tons of each agricultural liming material sold during the 12 months preceding July 1st of that year. A fee of \$1 per ton ~~or \$100 for each brand of agricultural liming material, whichever is more~~, sold during the 12 months preceding July 1st of that year must accompany the form.

Sec. 3. Report to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The Department of Agriculture, Food and Rural Resources, referred to in this section as "the department," shall review the types and quantities of fertilizers and liming materials required to be registered under the Maine Revised Statutes, Title 7, chapter 103, subchapters 5 and 5-A. The department shall review definitions of "commercial fertilizer," "agricultural liming materials," "plant amendment" and "soil amendment" used in those subchapters and Title 7, chapter 103, subchapter 5-B and the term "agronomic benefit" as used in Department of Environmental Protection rules pertaining to the agronomic use of residuals. The department shall determine if additional definitions or statutory provisions are needed to regulate liquid fertilizers.

The department, in consultation with the Department of Environmental Protection, shall review products derived from residuals regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 419: Agronomic Utilization of Residuals; products derived from solid waste composting facilities regulated by the Department of Environmental Protection under Title 38, chapter 13 and Rule Chapter 410: Composting Facilities; and products derived from agricultural composting operations as defined in Title 7, section 152, subsection 1. The departments shall review and consider the development of inspection, sampling and analysis of these products and the degree of inspection, sampling and analysis warranted for each type of product. The department shall compare the anticipated revenue from fees collected under Title 7, section 743-A and section 766 with the cost of maintaining inspection, sampling and analysis of these products at a level sufficient for consumer protection.

The department shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than January 15, 2013. No later than January 15, 2013 the department shall submit legislation, including revisions to definitions, needed to implement its recommendations.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Quality Assurance and Regulation 0393

Initiative: Provides allocation for one Consumer Protection Inspector position and related All Other costs to administer the commercial fertilizer sampling program.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$65,832
All Other	\$0	\$56,155
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$121,987

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor