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Date: (Filing No. H- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1211, L.D. 1602, Bill, “An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold”

Amend the bill by inserting after section 2 the following:

**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

**COMMITTEE AMENDMENT**

1 January 15, 2013. No later than January 15, 2013 the department shall submit legislation,  
2 including revisions to definitions, needed to implement its recommendations.

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

5 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**  
6 **Division of Quality Assurance and Regulation 0393**

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

9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
10	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
11	Personal Services	\$0	\$65,832
12	All Other	\$0	\$56,155
13			
14	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$121,987</b>
15			

16 **SUMMARY**

17 This amendment directs the Department of Agriculture, Food and Rural Resources to  
18 review the types and quantities of fertilizers and liming products for which registration is  
19 required in the State and to review regulation of residuals for agronomic use. The  
20 department is directed to review certain definitions and terms. The department is directed  
21 to report to the legislative committee of jurisdiction with its findings and  
22 recommendations and to submit legislation necessary to implement those  
23 recommendations. This amendment also adds an appropriations and allocations section  
24 to the bill establishing an ongoing Consumer Protection Inspector position funded from  
25 the dedicated account receiving tonnage fees for fertilizers and liming materials sold in  
26 the State.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**