

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 Change the Registration Fees for Home-based Manufacturers of Pet Foods

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

Sec. 1. 7 MRSA §712, sub-§8-A is enacted to read:

8-A. Home-based manufacturer of pet food. "Home-based manufacturer of pet food" means a person who manufactures 10 or fewer product names in that person's home and sells the products directly to consumers.

Sec. 2. 7 MRSA §714, as amended by PL 2005, c. 512, §§38 and 39, is further amended to read:

§ 714.Registration

1. Application for registration. A person may not distribute in this State a commercial feed, except a customer-formula feed, that has not been registered pursuant to this section. The application for registration must be submitted in the manner prescribed by the commissioner on forms furnished by the commissioner, ~~and accompanied by an.~~ The annual fee of is \$80 per product name for pet food and except that the total annual fee for a home-based manufacturer of pet food is \$100. The annual fee is \$80 per product name for all other commercial feed. Upon approval by the commissioner the registration must be issued to the applicant. All registrations expire on the 31st day of December. 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.

2. Fees. The commissioner shall deposit 1/2 of the fees collected pursuant to subsection 1 in the General Fund and 1/2 of the fees collected in the Animal Welfare Fund established under section 3906-B.

3. Refusal. The commissioner is empowered to refuse registration of any commercial feed not in compliance with this subchapter and to cancel any registration subsequently found not to be in compliance with any provision of this subchapter. Registration, refusal and cancellation ~~shall be considered rule-making~~ are rulemaking as that term is defined in the Maine Administrative Procedure Act and notice and opportunity for a hearing ~~shall~~ must be provided prior to refusal or cancellation in a manner consistent with the Maine Administrative Procedure Act. In any case, no registration ~~shall~~ may be refused or canceled, unless the registrant shall ~~have~~ has been given an opportunity to amend ~~his~~ the application in order to comply with the requirements of this subchapter.

4. Surcharge on registration of pet food. For each product name of pet food registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in addition to the registration fee, except that a home-based manufacturer of pet food shall pay a total annual surcharge of \$20. The commissioner shall deposit the surcharge into the Animal Welfare Fund established under section 3906-B, subsection 2.

Effective September 20, 2007