



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 1009

---

H.P. 707

House of Representatives, March 14, 2013

### An Act Concerning Fertilizer and Lime Products

(EMERGENCY)

---

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CRAY of Palmyra.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln,  
TIMBERLAKE of Turner.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** it is imperative that this legislation take effect for the upcoming planting  
4 season; and

5           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6 the meaning of the Constitution of Maine and require the following legislation as  
7 immediately necessary for the preservation of the public peace, health and safety; now,  
8 therefore,

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

10           **Sec. 1. 7 MRSA §742, sub-§1-A** is enacted to read:

11           **1-A. Biosolids.** "Biosolids" means municipal sewage sludge that is a primarily  
12 organic, semisolid product resulting from the wastewater treatment process that can be  
13 beneficially recycled, including material derived from biosolids and septic tank sludge,  
14 also known as septage.

15           **Sec. 2. 7 MRSA §742, sub-§4** is repealed and the following enacted in its place:

16           **4. Commercial fertilizer.** "Commercial fertilizer" means a substance containing one  
17 or more recognized fertilizer materials bearing a guaranteed analysis on the product label  
18 of a packaged product or the accompanying delivery paperwork or invoice of a bulk  
19 fertilizer. It does not include unmanipulated animal and vegetable manures.

20           **Sec. 3. 7 MRSA §742, sub-§11-A** is enacted to read:

21           **11-A. Packaged biosolids.** "Packaged biosolids" means biosolids distributed in a  
22 sealed container provided by the distributor of the material.

23           **Sec. 4. 7 MRSA §742, sub-§17** is enacted to read:

24           **17. Unpackaged biosolids.** "Unpackaged biosolids" means biosolids distributed in a  
25 loose, unpackaged form in an unsealed container, including, but not limited to, a tote bag,  
26 tote tank, bin, tank, trailer, spreader truck, railcar and pickup truck bed or other container  
27 provided by the final user solely for transport of the material.

28           **Sec. 5. 7 MRSA §743-B** is enacted to read:

29           **§743-B. Exemption for biosolids**

30           Sections 743 and 743-A do not apply to packaged biosolids or unpackaged biosolids  
31 that are derived primarily from residuals regulated by Title 38, chapter 13 and by rules  
32 adopted by the Department of Environmental Protection governing solid waste  
33 management matters concerning composting facilities and the agronomic utilization of  
34 residuals and that are not commercial fertilizers. Packaged biosolids and unpackaged  
35 biosolids derived primarily from residuals that are not commercial fertilizers must include

1 a legible and conspicuous disclaimer on their marketing materials and labeling. The  
2 disclaimer must specifically state: "This product is not a commercial fertilizer, and any  
3 nutrient claims are estimates or averages and are not a guaranteed analysis."

4 **Sec. 6. 7 MRSA §764-A** is enacted to read:

5 **§764-A. Exemption for industrial by-products**

6 Section 764 does not apply to unpackaged industrial by-products derived primarily  
7 from residuals regulated by Title 38, chapter 13 and by rules adopted by the Department  
8 of Environmental Protection governing solid waste management matters concerning  
9 composting facilities and the agronomic utilization of residuals when those industrial by-  
10 products include a legible and conspicuous disclaimer on their marketing materials and  
11 labeling specifically stating: "This product is an industrial by-product, and any claims of  
12 neutralizing value and fineness are estimates or averages and are not guarantees."

13 Industrial by-products exempted under this section need not comply with sections  
14 765 and 766.

15 **Emergency clause.** In view of the emergency cited in the preamble, this  
16 legislation takes effect when approved.

17 **SUMMARY**

18 This bill adds the definitions of "biosolids," "packaged biosolids" and "unpackaged  
19 biosolids" to the Maine Commercial Fertilizer Law. The bill also amends the definition  
20 of "commercial fertilizer" to mean a substance containing one or more recognized  
21 fertilizer materials bearing a guaranteed analysis on the product label of a packaged  
22 product. The bill also exempts unpackaged biosolids and packaged biosolids derived  
23 primarily from residuals regulated by the Department of Environmental Protection from  
24 being registered before being offered for sale and from the tonnage report.