

Accompanying the fourteenth recommendation of the Department of Food and Agriculture (House, No. 89). Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT CLARIFYING THE METHOD OR PENALTY PAYMENTS FOR DEFICIENCY FERTILIZER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 71 of chapter 128 of the General Laws, as appearing in
2 section 6 of chapter 607 of the acts of 1973, is hereby amended by
3 striking out said section 71 and inserting in place thereof the
4 following section: —

1 Section 71. If the analysis shall show that a commercial
2 fertilizer is deficient (1) in one or more of its primary foods (NPK)
3 beyond the investigational allowances as established by regulation
4 or by (2) if the overall index value of the fertilizer is below the level
5 established by regulations, a penalty of three times the commercial
6 value of such deficiencies shall be assessed and paid to the
7 commonwealth. The assessment penalty shall be refunded to the
8 consumer of the lot of commercial fertilizer if sales consist of one
9 ton or more. If said consumer of a deficient lot of one ton or more
10 cannot be found, the amount of the penalty will be paid to the state
11 treasurer. The deficient lot must be represented by the sample
12 analyzed within three months after the date of notice from the
13 commissioner to the registrant or licensee, receipts taken therefor
14 and promptly forwarded to the commissioner. When a commercial
15 fertilizer is subject to a penalty under clauses (1) and (2) the larger
16 penalty shall apply. Deficiencies beyond the investigational
17 allowances in any other constituent which the registrant is required
18 to or may guarantee shall be evaluated and penalties prescribed
19 therefor by the commissioner.

