

# HOUSE . . . . . No. 5482

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 10, 1978.

The committee on Natural Resources and Agriculture, to whom was referred so much of the recommendations of the Department of Food and Agriculture (House, No. 89) as relates to clarifying the method or penalty payments for deficiency fertilizer (House, No. 103), report recommending that the accompanying bill (House, No. 5482) ought to pass.

For the committee,

RICHARD J. DWINELL.

**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: —

5 *Section 71.* If the analysis shall show that a commercial fertilizer  
6 is deficient (1) in one or more of its primary foods (NPK) beyond  
7 the investigational allowances as established by regulation or (2) if  
8 the overall index value of the fertilizer is below the level established  
9 by regulations, a penalty of three times the commercial value of  
10 such deficiencies shall be assessed and paid to the commonwealth  
11 for the lot of commercial fertilizer represented by the sample  
12 analyzed within three months after the date of notice from the  
13 commissioner to the registrant or licensee. The assessment penalty  
14 shall be paid by the commonwealth to the consumer of the lot of  
15 commercial fertilizer represented by the sample analyzed within  
16 three months after the date of notice from the commissioner to the  
17 registrant or licensee. The assessment penalty shall be paid by the  
18 commonwealth to the consumer of the lot of commercial fertilizer  
19 if the sale consisted of one ton or more.