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No. 1518

H.P. 1111

House of Representatives, April 9, 2019

An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STANLEY of Medway.

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

2 **Sec. 1. 7 MRSA c. 419** is enacted to read:

3 **CHAPTER 419**

4 **TICK LABORATORY AND PEST MANAGEMENT FUND**

5 **§2471. Tick Laboratory and Pest Management Fund**

6 The Tick Laboratory and Pest Management Fund, referred to in this chapter as "the
7 fund," is established. The fund is administered by the University of Maine Cooperative
8 Extension pest management unit and consists of funds derived from the pesticide
9 container fee under Title 36, section 4911, appropriations and allocations to the fund and
10 funds from other public and private sources. The fund, to be accounted within the
11 University of Maine Cooperative Extension, must be held separate and apart from all
12 other money, funds and accounts. Eligible investment earnings credited to the assets of
13 the fund become part of the assets of the fund. Any balance remaining in the fund must
14 be disbursed on a quarterly basis to the University of Maine Cooperative Extension. The
15 fund may not be used to pay for any administrative costs incurred by the University of
16 Maine or the University of Maine Cooperative Extension.

17 **§2472. Expenditures from the fund**

18 Funds in the fund must be distributed by the University of Maine Cooperative
19 Extension as provided in this section.

20 **1. Pesticide container fee reimbursement.** Funds must be provided for ongoing
21 reimbursement to the State Tax Assessor on the same schedule as sales tax collection
22 under Title 36, Part 3 to pay for administrative costs not to exceed \$40,000 annually from
23 collection of the pesticide container fee imposed under Title 36, section 4911.

24 **2. Pest management education.** Twenty-five percent of the balance remaining in
25 the fund after the amount under subsection 1 is subtracted must be used by the University
26 of Maine Cooperative Extension pest management unit for outreach and education
27 initiatives on pest management and pesticide safety and pesticide application and use.

28 **3. Tick laboratory costs.** Fifty percent of the balance remaining in the fund after
29 the amount under subsection 1 is subtracted must be used by the University of Maine
30 Cooperative Extension pest management unit for nonadministrative costs related to a tick
31 laboratory, including:

32 A. Testing ticks provided by residents of the State for pathogenic organisms and
33 general tick laboratory operations;

34 B. Salaries;

35 C. Tick management research, demonstrations and educational outreach, including
36 community integrated pest management; and

1 D. Medical and veterinary pest management focusing on health-related issues caused
2 by ticks and other arthropods as needed.

3 **4. Pest research.** Twenty-five percent of the balance remaining in the fund after the
4 amount under subsection 1 is subtracted must be used by the University of Maine
5 Cooperative Extension pest management unit for a pest research project to be determined
6 every 3 years by a pest research committee designated by the University of Maine. The
7 pest research committee under this subsection consists of 5 members, including:

8 A. Two members who are extension specialists with pest management expertise,
9 appointed by the dean of the University of Maine Cooperative Extension; and

10 B. Three members who are faculty of the University of Maine, College of Natural
11 Sciences, Forestry, and Agriculture with pest management expertise, appointed by the
12 dean of the University of Maine, College of Natural Sciences, Forestry, and
13 Agriculture, Maine Agricultural and Forest Experiment Station.

14 Members serve one-year terms and may be reappointed to one or more successive terms.

15 **Sec. 2. 22 MRSA §1471-M, sub-§8** is enacted to read:

16 **8. Pesticide use enforcement.** The board shall investigate any complaint alleging a
17 violation of a local, state or federal law or rule regarding pesticide use.

18 **Sec. 3. 22 MRSA §1471-CC** is enacted to read:

19 **§1471-CC. Elimination of use of pesticide in political subdivision**

20 A political subdivision of the State that wants to eliminate use in the political
21 subdivision of a pesticide registered by the United States Environmental Protection
22 Agency shall submit a request to eliminate use of the pesticide to the board. The board
23 shall determine whether the pesticide should be further regulated based upon the board's
24 expertise in toxicology and available scientific information relating to the adverse
25 environmental, health and other effects of the pesticide under Title 7, section 610,
26 subsection 1. The board's review must include participation of the officers of the political
27 subdivision and board staff and may include experts and other interested parties as the
28 board determines appropriate.

29 **Sec. 4. 36 MRSA c. 723** is enacted to read:

30 **CHAPTER 723**

31 **PESTICIDE CONTAINER FEE**

32 **§4911. Fee imposed**

33 **1. Imposition.** A fee is imposed on the retail sale in the State of containers of
34 general use pesticides with a United States Environmental Protection Agency pesticide
35 registration number or a closely related product as determined by the Board of Pesticides
36 Control, established in Title 5, section 12004-D, subsection 3 and referred to in this
37 chapter as "the board," in the amount of 20¢ per container. Three cents of the 20¢

1 container fee imposed under this subsection may be retained by the retailer to defray the
2 costs associated with collecting the fee. For purposes of this section, "general use
3 pesticide" has the same meaning as in Title 22, section 1471-C, subsection 11-B.

4 **2. Exemptions.** The following products are exempt from the fee under subsection 1:

5 A. A container of pesticides labeled "only for agricultural use," "only for industrial
6 use" or "only for commercial use";

7 B. A container of restricted use pesticides as defined in Title 22, section 1471-C,
8 subsection 23; or

9 C. A container of paint, stain, wood preservative or sealant bearing a United States
10 Environmental Protection Agency product registration number.

11 **3. Administration of fee.** The fee imposed by this chapter is administered as
12 provided in chapter 7 and Part 3, with the fee imposed pursuant to this chapter to be
13 considered as imposed under Part 3. On a monthly basis, the Treasurer of State shall
14 credit all revenue derived from the fee imposed by this chapter to the Tick Laboratory
15 and Pest Management Fund established under Title 7, chapter 419.

16 **4. Inspections.** The State Tax Assessor or the assessor's duly authorized agents may
17 inspect the books or records of a retailer, or the premises of a retailer where general use
18 pesticides are stored, handled, transported or merchandised, for the purpose of
19 determining what pesticide products are taxable under this chapter or for the purpose of
20 determining the truth or falsity of any statement or return made by a retailer. The State
21 Tax Assessor may delegate the assessor's authority under this subsection to the
22 Commissioner of Agriculture, Conservation and Forestry or the commissioner's deputies,
23 agents or employees. The board shall assist the State Tax Assessor, the assessor's duly
24 authorized agents or the Commissioner of Agriculture, Conservation and Forestry in
25 carrying out the provisions of this subsection.

26 **5. Responsibilities of the board.** By January 1, 2020 and on April 1st of every
27 succeeding year, the board shall provide to a retail store required to collect the fee under
28 this chapter the universal product code for every type of container of pesticide that may
29 be sold by the retail store and is subject to the fee imposed under this chapter.

30 **6. Rules.** The board shall adopt rules to carry out the provisions of this chapter.
31 Rules adopted under this subsection are routine technical rules as defined in Title 5,
32 chapter 375, subchapter 2-A.

33 **Sec. 5. University of Maine Cooperative Extension pest management unit**
34 **to conduct study on browntail moths.** Upon the effective date of this Act, the
35 University of Maine Cooperative Extension pest management unit shall commence a
36 study of browntail moths as the first research project to be conducted under the Maine
37 Revised Statutes, Title 7, section 2472, subsection 4.

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SUMMARY

2 This bill establishes the Tick Laboratory and Pest Management Fund administered by
3 the University of Maine Cooperative Extension to fund the tick laboratory and other pest
4 management research and projects and directs the extension's pest management unit to
5 study browntail moths as the first of a series of pest research projects to be determined
6 every 3 years by a committee designated by the University of Maine. The fund is funded
7 by a pesticide container fee of 20¢ per container administered by the State Tax Assessor.
8 This bill also creates a duty of the Board of Pesticides Control to investigate complaints
9 of violations of local, state and federal pesticide laws and requires the Board of Pesticides
10 Control to review any request by a political subdivision to eliminate the use of a certain
11 pesticide within that political subdivision.