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H.P. 1299

House of Representatives, March 11, 2014

An Act To Protect the Public from Mosquito-borne Diseases

Reported by Representative DILL of Old Town for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2013, chapter 13, section 2.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 7 MRSA c. 6-A** is enacted to read:

3 **CHAPTER 6-A**

4 **MANAGEMENT OF MOSQUITOES**

5 **§171. Management of mosquitoes for protection of public health; state policy**

6 It is the policy of the State to work to find and implement ways to prevent mosquito-
7 borne diseases in a manner that minimizes risks to humans and the environment. The
8 State, led by the department and the Department of Health and Human Services pursuant
9 to this chapter and Title 22, chapter 257-B, respectively, shall monitor mosquito-borne
10 diseases and shall base mosquito management methods, including potential pesticide use,
11 on an evaluation of the most current risk assessments. On a continuing basis, the State
12 shall research and evaluate means of reducing disease-carrying mosquitoes without the
13 use of pesticides. When the Department of Health and Human Services determines that
14 the disease risk is high and public education efforts are insufficient to adequately prevent
15 mosquito-borne diseases in the State, the Department of Health and Human Services may
16 declare a mosquito-borne disease public health threat pursuant to Title 22, chapter 257-B
17 and the State may undertake emergency activities to reduce disease-carrying mosquito
18 populations that threaten the health of residents of this State. The State in undertaking
19 emergency activities shall use a combination of the lowest risk, most effective integrated
20 pest management techniques and science-based technology and shall consult with
21 officials from affected municipalities in determining the most appropriate combination of
22 response strategies.

23 **§172. Department lead agency; powers of commissioner**

24 **1. Lead agency.** The department is the lead agency of the State for carrying out
25 mosquito management activities as described in this chapter.

26 **2. Management methods.** The commissioner may use appropriate methods for the
27 management of mosquitoes and the prevention of their breeding in a manner consistent
28 with section 171, including, but not limited to, conducting or contracting for mosquito
29 management activities and purchasing equipment necessary for the purposes of carrying
30 out this chapter.

31 **§173. Duties of commissioner**

32 **1. Study; plan; arrange cooperation.** When sufficient money for such purposes is
33 available in the fund, the commissioner, in cooperation with appropriate personnel from
34 the Department of Health and Human Services, shall:

35 A. Consider and study mosquito management problems, including mosquito
36 surveillance;

37 B. Identify means of managing disease-carrying mosquitoes in a manner that
38 minimizes pesticide use;

1 C. Coordinate plans for mosquito management work that may be conducted by
2 private landowners, groups, organizations, municipalities, counties and mosquito
3 management districts formed pursuant to section 175; and

4 D. Arrange, to the extent practicable, cooperation among state departments and with
5 federal agencies in conducting mosquito management operations within the State.

6 **2. Consultation.** The commissioner shall consult with the University of Maine
7 Cooperative Extension and private sector experts and municipalities in developing plans
8 and procedures for implementing this chapter.

9 **3. Assist with disseminating information.** When sufficient money for such
10 purposes is available in the fund, the commissioner, in cooperation with appropriate
11 personnel from the Department of Health and Human Services and experts from the
12 University of Maine Cooperative Extension, shall assist private landowners, groups,
13 organizations, municipalities, counties and mosquito management districts formed
14 pursuant to section 175 to disseminate information to the residents of the State about
15 ways to reduce mosquito populations, to eliminate mosquito breeding sites and to protect
16 themselves from mosquito-borne diseases as well as other relevant information.

17 **4. Implement mosquito management response.** When a mosquito-borne disease
18 public health threat is declared by the Commissioner of Health and Human Services
19 pursuant to Title 22, section 1447, the Commissioner of Agriculture, Conservation and
20 Forestry shall implement an effective management response consistent with section 171.
21 The management response must include combinations of integrated pest management
22 techniques. The Commissioner of Agriculture, Conservation and Forestry shall consider
23 the availability of funds in the fund in planning the response.

24 **§174. Maine Mosquito Management Fund**

25 The Maine Mosquito Management Fund, referred to in this chapter as "the fund," is
26 established to carry out the purposes of this chapter. The fund consists of any money
27 received as contributions, grants or appropriations from private and public sources. The
28 fund, to be accounted for within the department, must be held separate and apart from all
29 other money, funds and accounts. Any balance remaining in the fund at the end of a
30 fiscal year does not lapse but must be carried forward to the next fiscal year. The
31 department may expend the money available in the fund and make grants to private
32 landowners, groups, organizations, agencies, municipalities, counties, the University of
33 Maine Cooperative Extension and mosquito management districts formed pursuant to
34 section 175 to carry out the purposes of this chapter.

35 **§175. Mosquito management districts**

36 For the purposes of preserving and promoting the public health and welfare by
37 providing for coordinated and effective management of mosquitoes, municipalities may
38 cooperate with each other through the creation of mosquito management districts.

1 **§176. Rules**

2 The commissioner may adopt rules to carry out the purposes of this chapter. Rules
3 adopted pursuant to this section are major substantive rules as described in Title 5,
4 chapter 375, subchapter 2-A.

5 **Sec. 2. 22 MRSA c. 257-B** is enacted to read:

6 **CHAPTER 257-B**

7 **MOSQUITOES**

8 **§1447. Lead agency for monitoring mosquito-borne diseases; declaring a public**
9 **health threat**

10 The department is the lead agency for monitoring for mosquito-borne diseases in the
11 State and determining the severity of the threat to the public health. The Maine Center for
12 Disease Control and Prevention shall create and maintain an arboviral illness
13 surveillance, prevention and response plan for the purposes of alerting the public and
14 other state, local and federal agencies about the existence of the threat so that appropriate
15 actions may be taken. When available surveillance information indicates a strong
16 likelihood of a human disease outbreak arising from mosquito-borne pathogens, the
17 commissioner may declare a mosquito-borne disease public health threat in accordance
18 with the Maine Center for Disease Control and Prevention arboviral illness surveillance,
19 prevention and response plan. For purposes of this section, the department shall
20 collaborate with the Department of Agriculture, Conservation and Forestry.

21 **SUMMARY**

22 This bill is reported out by the Joint Standing Committee on Agriculture,
23 Conservation and Forestry pursuant to Resolve 2013, chapter 13, section 2. As required
24 by the resolve, the Department of Agriculture, Conservation and Forestry submitted to the
25 committee its plan for protecting the public health from mosquito-borne diseases in
26 December 2013, including draft legislation to implement its plan.

27 The committee has not taken a position on the substance of the plan or this bill and,
28 though the committee is reporting this bill out, the committee is not suggesting and does
29 not intend to suggest that it agrees or disagrees with any aspect of the department's plan
30 or this bill. The committee is reporting the bill out for the sole purpose of turning the
31 department's proposal into a printed bill that can be referred to the committee for an
32 appropriate public hearing and subsequent processing in the normal course. The
33 committee is taking this action to ensure clarity and transparency in the legislative review
34 of the department's proposal.

35 The bill establishes that the Department of Health and Human Services is the lead
36 agency in the State for monitoring for mosquito-borne diseases. It authorizes the
37 Commissioner of Health and Human Services to declare a mosquito-borne disease public
38 health threat. The bill also establishes the state policy for managing disease-carrying
39 mosquitoes and authorizes the Department of Agriculture, Conservation and Forestry,

1 after consulting with affected municipalities, to conduct appropriate mosquito
2 management activities in response to mosquito-borne disease public health threats. In
3 addition, the bill authorizes municipalities to cooperate in managing mosquitoes through
4 the formation of mosquito management districts. It establishes the Maine Mosquito
5 Management Fund to provide funding for mosquito management activities.