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Date: (Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1111, L.D. 1518, Bill, “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”

Amend the bill by striking out the title and substituting the following:

'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'

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

CHAPTER 419

TICK LABORATORY AND PEST MANAGEMENT FUND

§2471. Tick Laboratory and Pest Management Fund

The Tick Laboratory and Pest Management Fund, referred to in this chapter as "the fund," is established. The fund is nonlapsing, is administered by the University of Maine at Orono and consists of funds derived from the pesticide container fee under Title 36, section 4911, appropriations and allocations to the fund and funds from other public and private sources. The fund, to be accounted within the University of Maine at Orono, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund must be disbursed on a quarterly basis to the University of Maine at Orono.

COMMITTEE AMENDMENT

1 **§2472. Expenditures from the fund**

2 Funds in the fund must be distributed by the University of Maine at Orono as
3 provided in this section.

4 **1. Pesticide container fee reimbursement.** Funds must be provided for ongoing
5 reimbursement to the State Tax Assessor on a monthly basis by the 15th of the month
6 following collection, to pay for administrative costs not to exceed \$40,000 annually from
7 collection of the pesticide container fee imposed under Title 36, section 4911.

8 **2. Registered pesticides.** Funds must be provided for ongoing reimbursement, not
9 to exceed \$60,000 annually, to the Board of Pesticides Control, established in Title 5,
10 section 12004-D, subsection 3 and referred to in this chapter as "the board," to generate
11 and maintain a list of pesticides registered with the board pursuant to section 607 and
12 answer inquiries relating to the list. The board shall post on its publicly accessible
13 website, a list of currently registered pesticide products.

14 **3. Administrative costs.** Funds must be provided for ongoing reimbursement to the
15 University of Maine at Orono for administrative costs not to exceed 10% of the balance
16 remaining in the fund after the amounts under subsections 1 and 2 are subtracted.

17 **4. Pest management education.** Twenty-five percent of the balance remaining in
18 the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided
19 to the University of Maine Cooperative Extension pest management unit for outreach and
20 education initiatives on pest management and pesticide safety and pesticide application
21 and use, particularly for homeowners and other individuals using pesticides.

22 **5. Tick laboratory costs.** Fifty percent of the balance remaining in the fund after
23 the amounts under subsections 1, 2 and 3 are subtracted must be provided to the
24 University of Maine Cooperative Extension pest management unit for nonadministrative
25 costs related to a tick laboratory, including, but not limited to:

26 A. Testing ticks provided by residents of the State for pathogenic organisms;

27 B. General tick laboratory operations;

28 C. Salaries;

29 D. Tick management research, demonstrations and educational outreach, including
30 community integrated pest management and developing educational materials;

31 E. Equipment, materials and supplies;

32 F. Facility expansion; and

33 G. Medical and veterinary pest management focusing on health-related issues caused
34 by ticks and other arthropods as needed.

35 **6. Pest research.** Twenty-five percent of the balance remaining in the fund after the
36 amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of
37 Maine at Orono or to an entity in collaboration with the University of Maine at Orono for
38 a pest research project to be identified every 3 years by a pest research committee
39 designated by the University of Maine at Orono, the University of Maine System and the
40 department in the 2nd year of the project. The pest research committee under this
41 subsection consists of 7 members, including:

1 A. One member who is an extension specialist with pest management expertise,
2 appointed by the dean of the University of Maine Cooperative Extension;

3 B. Two members who are faculty of the University of Maine at Orono, College of
4 Natural Sciences, Forestry, and Agriculture with pest management expertise,
5 appointed by the dean of the University of Maine at Orono, College of Natural
6 Sciences, Forestry, and Agriculture, Maine Agricultural and Forest Experiment
7 Station;

8 C. Two members, one representing the agricultural sector and one who is a
9 commercial pesticide applicator, appointed jointly by the dean of the University of
10 Maine Cooperative Extension and the dean of the University of Maine at Orono,
11 College of Natural Sciences, Forestry, and Agriculture, Maine Agricultural and
12 Forest Experiment Station;

13 D. One member representing a campus of the University of Maine System other than
14 the University of Maine campus in Orono and having pest management expertise,
15 appointed by the Chancellor of the University of Maine System; and

16 E. One member from the department with pest management expertise, appointed by
17 the commissioner.

18 Members serve one-year terms and may be reappointed to successive terms.

19 7. Report. No later than January 15th of each year, the University of Maine at
20 Orono shall submit a report to the board and the joint standing committee of the
21 Legislature having jurisdiction over agriculture matters on use of the funds under this
22 chapter.

23 8. Rules. The board may adopt rules to carry out the provisions of this chapter.
24 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
25 chapter 375, subchapter 2-A.

26 **Sec. 2. 36 MRSA c. 723** is enacted to read:

27 **CHAPTER 723**

28 **PESTICIDE CONTAINER FEE**

29 **§4911. Fee imposed**

30 1. Imposition. A fee is imposed on the retail sale in the State of containers of
31 pesticide products registered with the Board of Pesticides Control, established in Title 5,
32 section 12004-D, subsection 3 and referred to in this chapter as "the board," in the amount
33 of 15¢ per container. Three cents of the container fee imposed under this subsection may
34 be retained by the retailer to defray the costs associated with collecting the fee.

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

36 A. A container of pesticides sold by a manufacturer or manufacturer's representative
37 directly to a pesticide applicator licensed under Title 22, section 1471-D;

1 B. A container of pesticides sold to a pesticide applicator licensed under Title 22,
 2 section 1471-D that is exempt from sales tax pursuant to section 1760, subsection 7-B
 3 or 7-C; and

4 C. A container of paint, stain, wood preservative or sealant registered as a pesticide
 5 with the board.

6 **3. Administration of fee.** The fee imposed by this chapter is administered as
 7 provided in chapter 7 and Part 3, with the fee imposed pursuant to this chapter to be
 8 considered as imposed under Part 3. The revenue collected during the preceding month
 9 pursuant to this subsection must be transferred to the Treasurer of State on a monthly
 10 basis on or before the last day of the month. The Treasurer of State shall credit all
 11 revenue derived from the fee imposed by this chapter to the Tick Laboratory and Pest
 12 Management Fund established under Title 7, chapter 419.

13 **Sec. 3. University of Maine at Orono to conduct study on browntail**
 14 **moths.** Upon the effective date of this Act, the University of Maine at Orono shall
 15 commence a study of browntail moths as the first research project to be conducted under
 16 the Maine Revised Statutes, Title 7, section 2472, subsection 6.

17 **Sec. 4. Appropriations and allocations.** The following appropriations and
 18 allocations are made.

19 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 20 **Revenue Services, Bureau of 0002**

21 Initiative: Provides a one-time allocation for administrative costs associated with revision
 22 of the sales tax return to accommodate the pesticide container fee.

23	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
24	All Other	\$16,000	\$0
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$16,000</u>	<u>\$0</u>

27	ADMINISTRATIVE AND FINANCIAL		
28	SERVICES, DEPARTMENT OF		
29	DEPARTMENT TOTALS	2019-20	2020-21
30			
31	OTHER SPECIAL REVENUE FUNDS	\$16,000	\$0
32			
33	DEPARTMENT TOTAL - ALL FUNDS	<u>\$16,000</u>	<u>\$0</u>

34 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 35 **Pesticides Control - Board of 0287**

36 Initiative: Provides allocations for one half-time Office Associate II position to generate
 37 and maintain a list of registered pesticides.

1	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
2	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
3	Personal Services	\$24,213	\$33,890
4	All Other	\$2,625	\$2,625
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$26,838</u>	<u>\$36,515</u>

7	AGRICULTURE, CONSERVATION AND		
8	FORESTRY, DEPARTMENT OF		
9	DEPARTMENT TOTALS	2019-20	2020-21
10			
11	OTHER SPECIAL REVENUE FUNDS	\$26,838	\$36,515
12			
13	DEPARTMENT TOTAL - ALL FUNDS	<u>\$26,838</u>	<u>\$36,515</u>

14 **UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**
 15 **Tick Laboratory and Pest Management Fund N330**

16 Initiative: Allocates funds to allow expenditures from revenue received from the pesticide
 17 container fee.

18	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
19	All Other	\$26,662	\$102,485
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$26,662</u>	<u>\$102,485</u>

22 **UM Cooperative Extension - Pesticide Education Z059**

23 Initiative: Allocates funds to allow expenditures from revenue received from the pesticide
 24 container fee to be used for tick laboratory costs.

25	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
26	All Other	\$27,000	\$54,000
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$27,000</u>	<u>\$54,000</u>

29 **UM Cooperative Extension - Pesticide Education Z059**

30 Initiative: Allocates funds to allow expenditures from revenue received from the pesticide
 31 container fee to be used for pest management education.

