

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1323

H.P. 858

House of Representatives, March 27, 2025

An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds

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

A handwritten signature in cursive script, reading "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator INGWERSEN of York and
Representatives: CLUCHEY of Bowdoinham, FROST of Belgrade, GRAMLICH of Old
Orchard Beach, HEPLER of Woolwich, PLUECKER of Warren, SINCLAIR of Bath,
Senators: TALBOT ROSS of Cumberland, TEPLER of Sagadahoc.

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

2 Sec. 1. 7 MRSA c. 103, sub-c. 11-B is enacted to read:

3 **SUBCHAPTER 11-B**

4 **NEONICOTINOID PESTICIDES**

5 **§1061. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Agricultural emergency.** "Agricultural emergency" means an occurrence of any
9 pest that presents an imminent risk of significant harm or injury to or loss of agricultural
10 crops.

11 **2. Bloom.** "Bloom" means the period from the onset of flowering for a plant or the
12 process of flowering of a plant until petal fall is complete.

13 **3. Crop group.** "Crop group" means the groupings of agricultural commodities
14 specified in 40 Code of Federal Regulations, Section 180.41 (2023).

15 **4. Environmental emergency.** "Environmental emergency" means an occurrence of
16 any pest that presents a significant risk of harm or injury to the environment or significant
17 harm or injury to or loss of agricultural crops, including any exotic or foreign pest that may
18 need preventive quarantine measures to avert or prevent that risk, as determined by the
19 commissioner.

20 **5. Neonicotinoid pesticide.** "Neonicotinoid pesticide" means any pesticide containing
21 a chemical belonging to the neonicotinoid class of chemicals, including imidacloprid,
22 nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, thiamethoxam and any other
23 chemical designated by the commissioner by rule as belonging to the neonicotinoid class
24 of chemicals.

25 **6. Neonicotinoid-treated seed.** "Neonicotinoid-treated seed" means a treated seed
26 that is treated or coated with a neonicotinoid pesticide.

27 **7. Ornamental plants.** "Ornamental plants" means perennial, annual, biennial and
28 ground cover plants purposefully planted for aesthetic reasons.

29 **§1062. Prohibited; application of neonicotinoid pesticides**

30 **1. Prohibited application.** The following uses of neonicotinoid pesticides are
31 prohibited:

32 A. Outdoor application to any crop during bloom;

33 B. Outdoor application to soybeans or any crop in the cereal grains crop group;

34 C. Outdoor application of neonicotinoid pesticides to crops harvested after bloom in
35 the leafy vegetables; brassica; bulb vegetables; herbs and spices; and stalk, stem and
36 leaf petiole vegetable crop groups; and

37 D. Application to ornamental plants.

1 **2. Exemptions.** The commissioner, after consultation with the Commissioner of
2 Environmental Protection, may waive the requirements of this section and issue a written
3 exemption order if the commissioner determines that:

4 A. A valid environmental emergency or agricultural emergency exists;

5 B. The neonicotinoid pesticide would be effective in addressing the environmental
6 emergency or the agricultural emergency under paragraph A; and

7 C. A less harmful pesticide that is not a neonicotinoid pesticide or pest management
8 practice would not be as effective in addressing the environmental emergency or the
9 agricultural emergency under paragraph A.

10 **3. Written exemption order contents.** A written exemption order issued under
11 subsection 2:

12 A. May not be valid for a period of more than one year;

13 B. Must specify the neonicotinoid pesticides, uses and crops or plants to which the
14 exemption order applies; the date on which the exemption order takes effect; the
15 exemption order's duration; and the exemption order's geographic scope, which may
16 include specific farms, fields or properties; and

17 C. Must provide a detailed evaluation supporting a determination that an
18 environmental emergency or agricultural emergency exists.

19 **4. Written exemption order restrictions.** A written exemption order issued under
20 subsection 2 may establish restrictions on the use of neonicotinoid pesticides to which the
21 exemption order applies to minimize harm to pollinator populations, bird populations,
22 ecosystem health and public health or that the commissioner considers necessary.

23 **5. Rescission.** The commissioner, after consultation with the Commissioner of
24 Environmental Protection, may rescind a written exemption order issued under subsection
25 2 at any time. A rescission may not go into effect until at least 15 days after the issuance
26 of the written exemption order.

27 **§1063. Prohibition on the use and sale of neonicotinoid-treated seeds**

28 **1. Prohibition.** A person may not sell, offer for sale or use, distribute or use any
29 neonicotinoid-treated seed for soybeans or for any crop in the cereal grains crop group.

30 **2. Exemptions.** The commissioner, after consultation with the Commissioner of
31 Environmental Protection, may waive the requirements of this section and issue a written
32 exemption order only if:

33 A. The person seeking the exemption order:

34 (1) Completes integrated pest management training, provided by the commissioner
35 or an approved 3rd party;

36 (2) Completes a pest risk assessment and submits a pest risk assessment report to
37 the commissioner; and

38 (3) Maintains current records of the pest risk assessment report under subparagraph
39 (2) and records of when neonicotinoid-treated seeds are planted, both of which are
40 subject to review upon request by the commissioner; and

B. Any neonicotinoid-treated seeds authorized for use under the exemption order are planted only on the property or properties identified in the pest risk assessment report under paragraph A, subparagraph (2).

3. Written exemption order contents. A written exemption order issued under subsection 2:

A. May not be valid for a period of more than one year; and

B. Must specify the types of neonicotinoid-treated seeds to which the exemption order applies, the date on which the exemption order takes effect and the exemption order's duration.

4. Written exemption order restrictions. A written exemption order issued under subsection 2 may establish restrictions to the use of neonicotinoid-treated seeds to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health and public health or that the commissioner considers necessary.

5. Rescission. The commissioner, after consultation with the Commissioner of Environmental Protection, may rescind a written exemption order issued under subsection 2 at any time. A rescission may not go into effect until at least 30 days after the issuance of the written exemption order and may not apply to neonicotinoid-treated seeds planted or sown prior to the effective date of the rescission.

§1064. Report

Upon issuing a written exemption order under section 1062 or 1063, the commissioner shall submit a copy of the exemption order to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.

§1065. Rulemaking

The department may adopt rules as necessary for the purposes of implementing and enforcing this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Effective date. This Act takes effect January 1, 2026.

SUMMARY

This bill prohibits certain applications of neonicotinoid pesticides and prohibits the use and sale of neonicotinoid-treated seeds for certain crops. The bill authorizes the Commissioner of Agriculture, Conservation and Forestry, after consultation with the Commissioner of Environmental Protection, to waive these prohibitions and issue a written exemption order if certain conditions are met.