

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1563

8
9 H.P. 1074

House of Representatives, May 23, 1985

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Reference to the Committee on Agriculture suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Michael of Auburn.

13 Cosponsored by Representative McCollister of Canton and Representative
Bragg of Sidney.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT to Allow the Use of Botanical
20 Pesticides in the Production of Foods
21 Labeled or Advertised as Organic.
22

23 **Emergency preamble.** Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the growing season is fast approaching
27 and it is important to establish consistent standards
28 for organic agriculture in Maine; and

29 Whereas, organic growers seeking and maintaining
30 certification depend on consistent standards to fol-
31 low in determining their production practices; and

32 Whereas, in the judgment of the Legislature,
33 these facts create an emergency within the meaning of
34 the Constitution of Maine and require the following
35 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

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

5 Sec. 1. 7 MRSA §551, sub-§2, as enacted by PL
6 1979, c. 240, §1, is amended to read:

7 2. Raw agricultural commodity. "Raw agricultural
8 commodity" means an agricultural commodity which has
9 not been colored or treated in the unpeeled form, ex-
10 cept that it may have been rapidly heated or chilled,
11 which has been produced, stored, processed and pack-
12 aged without the use of synthetically compounded fer-
13 tilizers, herbicides, fungicides or pesticides, with
14 the exception of botanical and microbiological pesti-
15 cides, for either:

16 A. Two years after the appearance of flower buds
17 in the case of woody perennial crops; and 3 years
18 prior to the harvest of herbaceous perennial
19 crops; or

20 B. Three years prior to seeding in the case of
21 annual crops.

22 Sec. 2. 7 MRSA §553, sub-§1, ¶A, as enacted by
23 PL 1979, c. 240, §1, is amended to read:

24 A. A raw agricultural commodity. Microbiological
25 products, botanical pesticides and materials con-
26 sisting only of, or derived or extracted solely
27 from, plant, animal or mineral-bearing rock sub-
28 stances may be used in the production, storing,
29 processing or packaging of raw agricultural com-
30 modities in order to meet the requirements of
31 this paragraph. For the purposes of this subsec-
32 tion, "synthetically compounded" means those
33 products formulated by a process which chemically
34 changes a material or substance extracted from
35 naturally occurring plant, animal or mineral
36 sources, excepting microbiological processes.
37 Microbiological products shall include, but are
38 not limited to, raw manures, composted manures
39 and inoculants and shall exclude chemically con-

1 taminated and uncomposted sludge. Botanical
2 products shall include, but are not limited to,
3 rotenone, ryania, pyrethrum, ground tobacco stems
4 and leaves and other pesticides of plant origin;

5 **Emergency clause.** In view of the emergency cited
6 in the preamble, this Act shall take effect when ap-
7 proved.

8 STATEMENT OF FACT

9 The purpose of this bill is to allow the use of
10 botanical pesticides in the production of foods la-
11 beled or advertised as organic, organically grown or
12 biologically grown. The sponsors of the bill are in-
13 terested in bringing Maine's organic labeling law in-
14 to closer compliance with the practices suggested by
15 the International Federation of Organic Agricultural
16 Movements and other organizations representing organ-
17 ic growers.

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