

MAINE STATE LEGISLATURE

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L.D. 2067

(Filing No. H- 619)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1514, L.D. 2067,
Bill, "AN ACT to Provide Additional Resources to the
Board of Pesticides Control."

Amend the bill by striking out everything after
section 1 and inserting in its place the following:

'Sec. 2. 22 MRSA §1471-C, sub-§§11-B and
11-C are enacted to read:

11-B. General use pesticide. "General use
pesticide" means any pesticide which has been
registered by the United States Environmental
Protection Agency as evidenced by a registration
number on the label and which is not a restricted use
or limited use pesticide, as defined in this section.
Pesticides restricted by the United States
Environmental Protection Agency are so identified on
the label. Pesticides restricted or limited by the
Board of Pesticides Control are listed by the board.

11-C. General use pesticide dealer. "General use
pesticide dealer" means any person who distributes
general use pesticides.

Sec. 3. 22 MRSA §1471-C, sub-§13-A is enacted
to read:

13-A. Household use pesticide product.
"Household use pesticide product" means any general

1 use pesticide product which contains no more than 3%
2 active ingredients and which is applied undiluted by
3 homeowners to control pests in and around the family
4 dwelling and associated structures. For the purposes
5 of this definition and section 1471-U, subsection 5,
6 petroleum solvents shall not be considered active
7 ingredients.

8 **Sec. 4. 22 MRSA §1471-U is enacted to read:**

9 §1471-U. General use pesticide dealers

10 1. License required. Unless exempted under
11 subsection 5, no person may distribute general use
12 pesticides without a license.

13 2. Issuance of license. The Board of Pesticides
14 Control shall issue a license to distribute general
15 use pesticides to any person upon payment of a fee of
16 \$20 for a calendar year or any part of a calendar
17 year. Any person licensed to distribute restricted
18 use pesticides shall be considered licensed to
19 distribute general use pesticides without any
20 additional fee. All fees collected under this section
21 shall be deposited in the Board of Pesticides Control
22 Special Fund.

23 3. Records; reporting. Any person licensed to
24 distribute general use pesticides shall keep and
25 maintain records of annual pesticide sales and shall
26 make them available on request to the board. Those
27 records shall include the name of the pesticide, the
28 concentration of active ingredients, the quantity sold
29 and such other information as the board may require by
30 rule, and shall be kept on a calendar year basis. The
31 records shall be kept for 2 years after the end of the
32 calendar year. The board, by rule, may require
33 submission of an annual written report on sales of
34 general use pesticides or a subcategory of them. The
35 board may not require recordkeeping on the sale of
36 household use pesticide products.

37 4. Violations; penalty. Any person required to
38 be licensed under subsection 1 who sells general use
39 pesticides without a license commits a civil violation
40 for which a forfeiture not to exceed \$500 may be

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1 adjudged. Any person who fails to keep or maintain
2 required records of general use pesticide sales
3 commits a civil violation for which a forfeiture not
4 to exceed \$250 may be adjudged.

5 5. Exemptions. The following situations are
6 exempt from the provisions of this section.

7 A. Any person may distribute the following
8 products without a general use pesticide dealer
9 license:

10 (1) Household use pesticide products with no
11 more than 3 percent active ingredients;

12 (2) The following products, which have
13 limited percentages of active ingredients:

14 (a) Dichlorovos (DDVP) impregnated
15 strips with concentrations not more than
16 25 percent in resin strips and pet
17 collars;

18 (3) The following products with unlimited
19 percentages of active ingredients:

20 (a) Pet supplies such as shampoos, tick
21 and flea collars and dusts;

22 (b) Disinfectants, germicides,
23 bactericides and virucides;

24 (c) Insect repellents;

25 (d) Indoor and outdoor animal
26 repellents;

27 (e) Moth flakes, crystals, cakes and
28 nuggets;

29 (f) Indoor aquarium supplies;

30 (g) Swimming pool supplies; and

31 (h) Pediculocides and mange cure on man.

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1 B. The board may promulgate rules to exempt the
2 sale of additional general use pesticide products
3 from the dealer licensing provisions of this
4 section.

5 **Sec. 5. Allocation.** The following funds are
6 allocated from the Board of Pesticides Control Special
7 Fund to carry out the purposes of this Act.

8		<u>1988-89</u>
9	<u>AGRICULTURE, FOOD AND RURAL</u>	
10	<u>RESOURCES, DEPARTMENT OF</u>	
11	Board of Pesticides	
12	Control	
13	Positions	(2)
14	Personal Services	\$60,000
15	All Other	28,000
16		
17	Total	<u>\$88,000</u>

18 Provides funds to
19 establish 2 full-time
20 positions within the
21 Board of Pesticides
22 Control. A full-time
23 person to direct the
24 review of the
25 toxicological
26 properties of
27 pesticides in
28 connection with
29 registration and
30 reviews of health
31 data, manage contracts
32 for special studies
33 and respond to
34 inquiries on health
35 effects, and who will
36 be the chief contact
37 with the Bureau of
38 Health and the Board
39 of Pesticides Control
40 Medical Advisory
41 Committee and will

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1 also be available to
2 the Bureau of Public
3 Services for food
4 safety issues; and a
5 full-time person to
6 prepare newsletters
7 and brochures and
8 publish information
9 for pesticide
10 applicators and
11 dealers and the
12 general public. Also
13 provides funds for a
14 \$22,000 grant to the
15 Cooperative Extension
16 Service of the
17 University of Maine
18 System to develop and
19 revise training
20 manuals for applicator
21 licensing and
22 recertification.

23 **Sec. 6. Effective date.** Section 4 of this Act
24 shall take effect on January 1, 1989.

25 **FISCAL NOTE**

26 Enactment of this bill would:

27 1. Result in an increase in dedicated revenue to
28 the Department of Agriculture, Food and Rural
29 Resources, Board of Pesticides Control, in the amount
30 of \$88,000 for fiscal year 1988-89. This estimate is
31 based on the anticipated revenue from the proposed
32 increase in the pesticide registration fees, as well
33 as the general use pesticide license fees; and

34 2. Result in an allocation to the Department of
35 Agriculture, Food and Rural Resources, Board of
36 Pesticides Control, in the amount of \$88,000 for
37 fiscal year 1988-89.'

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STATEMENT OF FACT

2 The original bill was a result of a study of
3 pesticides regulation by the Joint Standing Committee
4 on Agriculture. It provided funds for the creation of
5 2 full-time positions in the Board of Pesticides
6 Control: A person to direct review of the
7 toxicological effects of pesticides and advise the
8 board, the department and the general public about any
9 risks associated with their use; and a person to
10 prepare newsletters and brochures to inform
11 applicators, dealers and the general public about
12 board activities, pest problems and appropriate
13 control measures. It also authorized the board to
14 provide a grant to the Cooperative Extension Service
15 of the University of Maine System to create 2
16 temporary positions for persons to revise old and
17 develop new training materials for both private and
18 commercial applicator certification.

19 The amendment retains the two positions at the
20 Board of Pesticides Control and responds to a
21 recognized lack of information about the sale and use
22 of general use pesticides, those pesticides which are
23 not restricted to use by certified applicators. Data
24 from 1984 showed that only about 23% of agricultural
25 pesticide sales in Maine were restricted use
26 pesticides and, nationally, agricultural sales were
27 only 36% of pesticide sales. The amendment adds a
28 provision for the licensing of general use pesticide
29 dealers. Dealers who sell only household use
30 pesticide products will not need a license. Specific
31 exemptions are included for a number of items in
32 general use by the general public, such as pet
33 supplies, disinfectants and insect repellents. The
34 board and the Department of Agriculture, Food and
35 Rural Resources are expected to cooperate in the
36 implementation of this program by providing a means
37 for general use pesticide dealers to get their
38 licenses at the same time they obtain other licenses
39 from the department.

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1 The amendment removes the General Fund
2 appropriation. Funding is obtained from 2 sources
3 within the Board of Pesticides Control Special Fund:
4 \$22,000 from a proposed license fee to be collected
5 from general use pesticide dealers and \$66,000 from a
6 \$10 increase in pesticide registration fees and
7 removal of the \$10 fee reduction for small volume
8 pesticides. Funding for the grant to the Cooperative
9 Extension Service is reduced accordingly to \$22,000.

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Reported by the Committee on Agriculture
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