

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 811

H.P. 593

House of Representatives, March 16, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative TARDY of Palmyra, Senator HOLLOWAY of Lincoln and Representative NUTTING of Leeds.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Simplify Pesticide Inventory Requirements.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
3 become effective until 90 days after adjournment unless enacted
as emergencies; and

5 Whereas, the requirements regarding pesticide inventory are
7 needlessly complicated and vague; and

9 Whereas, simplification of these requirements is necessary
11 before it is possible to perform a pesticide inventory completely
and accurately; and

13 Whereas, in the judgment of the Legislature, these facts
15 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
17 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

19 **Sec. 1. 22 MRSA §1471-U**, as enacted by PL 1987, c. 723, §§4
21 and 6, is repealed.

23 **Sec. 2. 22 MRSA §1471-W** is enacted to read:

25 §1471-W. General use pesticide dealers

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

31 2. Issuance of license. The Board of Pesticides Control
33 shall issue a license to distribute general use pesticides to any
person upon payment of a fee of \$20 for a calendar year or any
35 part of a calendar year. Any person licensed to distribute
restricted use pesticides shall be considered licensed to
37 distribute general use pesticides without any additional fee.
All fees collected under this section shall be deposited in the
Board of Pesticides Control Special Fund.

39 3. Records; reporting. Any person licensed to distribute
41 general use pesticides shall keep and maintain records of annual
pesticide purchases and make them available on request to the
43 board. Those records shall include the name of the pesticide,
the concentration of active ingredients, the quantity purchased
45 and such other information as the board may require by rule and
shall be reported on a calendar-year basis. The records need not
47 be kept on a calendar-year basis but must be kept for 2 years.
The board, by rule, may require submission of an annual written
49 report on sales of general use pesticides or a subcategory of
them. The board may not require recordkeeping on the sale of
51 household use pesticide products.

1 4. Violations; penalty. Any person required to be licensed
2 under subsection 1 who sells general use pesticides without a
3 license commits a civil violation for which a forfeiture not to
4 exceed \$500 may be adjudged. Any person who fails to keep or
5 maintain required records of general use pesticide sales commits
6 a civil violation for which a forfeiture not to exceed \$250 may
7 be adjudged.

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

11 A. Any person may distribute the following products without
12 a general use pesticide dealer license:

13 (1) Household use pesticide products with no more than
14 3% active ingredients;

15 (2) The following products, which have limited
16 percentages of active ingredients:

17 (a) Dichlorovos (DDVP) impregnated strips with
18 concentrations of not more than 25% in resin
19 strips and pet collars;

20 (3) The following products with unlimited percentages
21 of active ingredients:

22 (a) Pet supplies such as shampoos, tick and flea
23 collars and dusts;

24 (b) Disinfectants, germicides, bactericides and
25 virucides;

26 (c) Insect repellents;

27 (d) Indoor and outdoor animal repellents;

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

29 (f) Indoor aquarium supplies;

30 (g) Swimming pool supplies; and

31 (h) Pediculocides and mange cure on man.

32 B. The board may promulgate rules to exempt the sale of
33 additional general use pesticide products from the dealer
34 licensing provisions of this section.

35 Sec. 3. Allocation. The following funds are allocated from the
36 Board of Pesticides Control Special Fund to carry out the
37 purposes of this Act.
38

