



122nd MAINE LEGISLATURE

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Legislative Document

No. 1157

H.P. 800

House of Representatives, March 8, 2005

An Act To Protect Children from Toxic Chemicals in Schools

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. Mac Failand

MILLICENT M. MacFARLAND Clerk

Presented by Representative KOFFMAN of Bar Harbor. Cosponsored by Senator RAYE of Washington and Representatives: CURLEY of Scarborough, DAVIS of Falmouth, GOLDMAN of Cape Elizabeth, McFADDEN of Dennysville, McKANE of Newcastle, PLUMMER of Windham, RICHARDSON of Warren, Senator: COWGER of Kennebec.

se il enacied d	by the People of the State of Maine as follows:
Sec. 1. 3	8 MRSA c. 24, sub-c. 9 is enacted to read:
	SUBCHAPTER 9
	FUNDING FOR REMOVAL OF PESTICIDES AND OTHER HAZARDOUS MATERIALS FROM SCHOOLS
2241. Defin	aitions
	l in this subchapter, unless the context otherwood of the context otherwood of the subchapter.
listributes	tributor. "Distributor" means a person who sells general use pesticides in wholesale guantities eral use pesticide dealers in the State for ret
2. Gen	eral use pesticide. "General use pesticide" has as in Title 22, section 1471-C, subsection 11-B.
ane meaning	as in ficte 22, section 14/1-C, subsection fi-b.
of any size ourchase by	t. "Unit" means an individual container of pestic distributed, or to be distributed, to retailers a consumer. "Unit" includes, but is not limited
	uch as bags, boxes, bottles and cans.
	ng January 1, 2006, a fee of 30¢ is imposed for each unit of general use pesticides distribu
	State. This section does not apply to a pestic
	mpt from licensing requirements under Title
	1-W, subsection 5. Beginning in 2007, the er this section and copy of the report required un
	ection 1471-W, subsection 3 for the prior cale
year are due Bist annually	e from each distributor to the department by Ma
ISC annually	
2243. Admin	<u>aistration</u>
<u>1Col</u>	lection and deposit of revenue. The department sl
<u>establish pr</u>	cocedures to collect the fee in section 2242.
	ted by the department under this section must
—	n the Maine Solid Waste Management Fund establig on 2201. The fee required by section 2242 must
INDON CODEIC	in ZZUL, The tee required by section ZZ42 must
	by a copy of the annual report required of pesti-

- 2 2. Purposes of fee and disbursement of revenue. Revenues derived from the fee imposed by section 2242 may be disbursed 4 from the Maine Solid Waste Management Fund established under section 2201: 6 A. For the department to manage the inventorying and removal of hazardous materials, including pesticides from 8 public schools and private schools that enroll at least 60% publicly funded students; 10 12 B. To develop and conduct training, education and outreach activities at schools on appropriate hazardous materials purchasing and use and management of hazardous waste and 14pesticides; and 16 C. To manage and administer the Maine Solid Waste Management Fund as it pertains to the pesticide fee under 18 section 2242. 20 §2244. Rules
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The department may adopt rules to carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

The purpose of this bill is to generate revenue to continue 32 and expand the efforts of the Department of Environmental Protection to assist schools with the safe removal and disposal 34 of hazardous materials, such as pesticides, mercury compounds and toxic, flammable and explosive laboratory and other chemicals. Revenue is generated by a $30 \notin$ fee on each unit of general use 36 pesticide distributed for retail sale in this State. The fee is assessed at the distributor level and does not apply to bulk 38 containers of restricted or limited use pesticides for 40 agricultural and commercial use.