

MAINE STATE LEGISLATURE

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H.P. 1252

House of Representatives, March 29, 2007

An Act To Fund Pesticide Education in the State

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHARD of Old Town.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: CAIN of Orono, CLARK of Millinocket, MAZUREK of Rockland, MILLER
of Somerville, PIEH of Bremen, PIOTTI of Unity, SCHATZ of Blue Hill, TARDY of
Newport, THERIAULT of Madawaska.

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

2 **Sec. 1. 7 MRSA c. 415** is enacted to read:

3 **CHAPTER 415**

4 **MAINE PESTICIDE EDUCATION FUND**

5 **§2421. Fund established**

6 The Maine Pesticide Education Fund, referred to in this chapter as "the fund," is
7 established. The fund consists of revenues received pursuant to Title 36, chapter 717-A
8 and any funds received as contributions from private and public sources. The fund, to be
9 accounted within the department, must be held separate and apart from all other money,
10 funds and accounts. Eligible investment earnings credited to the assets of the fund
11 become part of the assets of the fund. Any balance remaining in the fund at the end of
12 any fiscal year must be carried forward to the next fiscal year.

13 **§2422. Expenditures from fund; distribution**

14 Funds in the Maine Pesticide Education Fund must be distributed by the department
15 as follows:

16 **1. Integrated Pest Management Fund.** Three percent of the money in the fund to
17 the Integrated Pest Management Fund established under section 2405;

18 **2. Pesticide education and pesticide pick-up program.** Forty-seven percent of the
19 money in the fund to the Board of Pesticides Control for pesticide education programs,
20 applicator licensing and obsolete pesticide collection programs; and

21 **3. Pest management education.** Fifty percent of the money in the fund to the
22 University of Maine Cooperative Extension for pest management and pesticide education
23 programs, including, but not limited to, homeowner integrated pest management, school
24 pest management, medical and veterinary facility pest management, pesticide application
25 and use education and community health-related pest management programs.

26 **Sec. 2. 36 MRSA c. 717-A** is enacted to read:

27 **CHAPTER 717-A**

28 **PESTICIDE EDUCATION FEE**

29 **§4811. Pesticide education fee**

30 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
31 following terms have the following meanings.

1 A. "Consumer container of pesticides" means a container of pesticides intended for
2 consumer use as defined by rule by the Board of Pesticides Control. The rules must
3 exclude any container labeled for agricultural, industrial or commercial use only.
4 The rules must also exclude any container of paint, stain or wood preservative
5 bearing a federal Environmental Protection Agency pesticide product registration
6 number.

7 B. "Pesticides" has the same meaning as in Title 22, section 1471-C.

8 **2. Imposition.** Beginning January 30, 2008, a fee of 15¢ is imposed on each
9 consumer container of pesticides sold at retail in this State. The State Tax Assessor, in
10 consultation with the Integrated Pest Management Council established in Title 7, section
11 2404 and the Board of Pesticides Control established in Title 22, chapter 258-A, shall
12 establish by rule procedures to implement this section.

13 **3. Collection and payment.** The fee under subsection 2 must be collected by the
14 retail seller at the time of sale and paid to the State Tax Assessor, in accordance with
15 rules established by the State Tax Assessor, at the same time as sales taxes are reported
16 and paid pursuant to chapter 219.

17 **4. Proceeds.** The State Tax Assessor shall annually account for the cost of
18 implementing this section and may deduct that amount from gross collections under this
19 section and apply that amount to reimburse the State Tax Assessor. The State Tax
20 Assessor shall, on a quarterly basis, provide the net amount of collections under this
21 section to the Maine Pesticide Education Fund established under Title 7, chapter 415.

22 **5. Rules.** Rules adopted pursuant to this section are routine technical rules as
23 defined in Title 5, chapter 375, subchapter 2-A.

24 **SUMMARY**

25 This bill establishes the Maine Pesticide Education Fund. Money in the fund is to be
26 distributed to the Integrated Pest Management Fund, the Board of Pesticides Control and
27 the University of Maine Cooperative Extension for pest management education programs.
28 The fund is funded by a 15¢ per container fee on the retail sale of pesticides.