

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1239

H.P. 858

House of Representatives, March 30, 2009

An Act To Establish a Revenue Source for the Maine Pesticide Education Fund

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: ADAMS of Portland, CRAY of Palmyra, FLETCHER of Winslow, HOGAN
of Old Orchard Beach, THIBODEAU of Winterport, WAGNER of Lyman.

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

2 **Sec. 1. 7 MRSA §2421**, as enacted by PL 2007, c. 302, §1, is amended to read:

3 **§2421. Fund established**

4 The Maine Pesticide Education Fund, referred to in this chapter as "the fund," is
5 established. The fund consists of any funds received as contributions from private and
6 public sources and the pesticide education fee imposed pursuant to Title 36, section 4811.
7 The fund, to be accounted within the department, must be held separate and apart from all
8 other money, funds and accounts. Eligible investment earnings credited to the assets of
9 the fund become part of the assets of the fund. Any balance remaining in the fund at the
10 end of any fiscal year must be carried forward to the next fiscal year.

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

12 **CHAPTER 717-A**

13 **PESTICIDE EDUCATION FEE**

14 **§4811. Pesticide education fee**

15 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
16 following terms have the following meanings.

17 **A. "Consumer container of pesticides"** means a container of pesticides intended for
18 consumer use as defined by rule by the Board of Pesticides Control. The rules must
19 exclude any container labeled for agricultural, industrial or commercial use only.
20 The rules must also exclude any container of paint, stain or wood preservative
21 bearing a federal Environmental Protection Agency pesticide product registration
22 number.

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

24 **2. Imposition.** Beginning January 1, 2010, a fee of 15¢ is imposed on each
25 consumer container of pesticides sold at retail in this State. The State Tax Assessor, in
26 consultation with the Integrated Pest Management Council established in Title 7, section
27 2404 and the Board of Pesticides Control established in Title 22, chapter 258-A, shall
28 establish by rule procedures to implement this section.

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

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

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

3 **SUMMARY**

4 This bill establishes a 15¢ per container fee on the retail sale of pesticides. The
5 proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to
6 fund the Integrated Pest Management Fund, the Board of Pesticides Control and the
7 University of Maine Cooperative Extension for pest management education programs.