

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 1099

---

H.P. 759

House of Representatives, March 25, 2015

**An Act To Establish a Fund for the Operations and Outreach  
Activities of the University of Maine Cooperative Extension Animal  
and Plant Disease and Insect Control Laboratory**

---

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BLACK of Wilton.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: DUCHESNE of Hudson, HANLEY of Pittston, LUCHINI of Ellsworth,  
MAREAN of Hollis, SKOLFIELD of Weld, Senators: ALFOND of Cumberland, CUSHING  
of Penobscot.

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

2 **Sec. 1. 7 MRSA c. 417** is enacted to read:

3 **CHAPTER 417**

4 **ANIMAL AND PLANT DISEASE AND INSECT CONTROL FUND**

5 **§2431. Fund established**

6 The Animal and Plant Disease and Insect Control Fund, referred to in this chapter as  
7 "the fund," is established. The fund is administered by the University of Maine  
8 Cooperative Extension and consists of funds received from Title 36, chapter 723, any  
9 appropriation or allocation from the Legislature and contributions from private and public  
10 sources. The fund, to be accounted within the University of Maine Cooperative  
11 Extension, must be held separate and apart from all other money, funds and accounts.  
12 Eligible investment earnings credited to the assets of the fund become part of the assets of  
13 the fund. Any balance remaining in the fund at the end of a fiscal year must be disbursed  
14 to the University of Maine Cooperative Extension.

15 **§2432. Expenditures from fund; distribution**

16 Funds in the fund, after reimbursement for fund administration costs, must be  
17 distributed by the University of Maine Cooperative Extension as follows:

18 **1. Pesticide container fee reimbursement.** Reimbursement annually to Maine  
19 Revenue Services to pay for administrative costs from collection of the pesticide  
20 container fee under Title 36, section 4911, subsection 3;

21 **2. Board of Pesticides Control reimbursement.** Reimbursement annually to the  
22 Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3, to pay  
23 for costs under Title 36, section 4911, subsection 5;

24 **3. Pest management education.** To the University of Maine Cooperative Extension  
25 for outreach and education initiatives on pest management and pesticide safety, including  
26 community integrated pest management and medical and veterinary pest management,  
27 focusing on health-related issues caused by ticks and mosquitoes, and pesticide  
28 application and use, focusing on pollinator health and safety; and

29 **4. Laboratory operations.** To the University of Maine Cooperative Extension for  
30 costs of its animal and plant disease and insect control laboratory, including testing ticks  
31 provided by the public for pathogenic organisms and general laboratory operations  
32 involving pesticide management and insect control.

33 **Sec. 2. 36 MRSA c. 723** is enacted to read:

34 **CHAPTER 723**

35 **PESTICIDE CONTAINER FEE**

1 **§4911. Fee imposed**

2 **1. Imposition.** A fee is imposed on the retail sale in this State of containers of  
3 consumer packaged pesticides in the amount of 20¢ per container. For purposes of this  
4 chapter, "consumer packaged pesticides" means pesticides packaged in suitable quantities  
5 for residential application intended for regular use and to be replaced frequently.

6 **2. Exemptions.** The following are exempt from subsection 1:

7 A. A container of pesticides labeled "only for agricultural, industrial or commercial  
8 use";

9 B. A container of paint, stain or wood preservative bearing a federal Environmental  
10 Protection Agency pesticide product registration number; and

11 C. All containers of pesticides sold by a retail store of less than 7,000 square feet of  
12 interior and exterior retail space with no more than one other retail store with  
13 common ownership in the State.

14 **3. Administration of fee.** The fee imposed by this chapter is administered as  
15 provided in chapter 7 and Part 3, with the fee imposed pursuant to this chapter to be  
16 considered as imposed under Part 3. On a monthly basis the Treasurer of State shall credit  
17 all revenue derived from the fee imposed by this chapter to the Animal and Plant Disease  
18 and Insect Control Fund established under Title 7, section 2431.

19 **4. Optional participation.** A retail store exempt under subsection 2, paragraph C  
20 may participate in the collection of the fee under subsection 1 by registering with the  
21 Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3.

22 **5. Responsibilities of the Board of Pesticides Control.** By January 1, 2015 and  
23 every April 1st thereafter, the Board of Pesticides Control, established in Title 5, section  
24 12004-D, subsection 3, shall provide to a retail store required to collect the fee under  
25 subsection 1 and a retail store under subsection 4 a product code for every type of  
26 pesticide container that may be potentially sold by that store.

27 **SUMMARY**

28 This bill creates the Animal and Plant Disease and Insect Control Fund to pay for pest  
29 management and pesticide safety outreach and education and for operating costs relating  
30 to pesticide management and insect control of the University of Maine Cooperative  
31 Extension's animal and plant disease and insect control laboratory. The Animal and Plant  
32 Disease and Insect Control Fund is funded by a 20¢ fee on every container of consumer  
33 packaged pesticides, with some exceptions.