

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1543

H.P. 1052

House of Representatives, January 7, 2016

An Act To Create Stability in the Control of Pesticides

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative TIMBERLAKE of Turner.

Cosponsored by Representatives: BLACK of Wilton, LONG of Sherman, TIMMONS of Cumberland.

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

2 **Sec. 1. 22 MRSA §1471-C, sub-§13-A**, as enacted by PL 1987, c. 723, §3, is
3 amended to read:

4 **13-A. Household use pesticide product.** "Household use pesticide product" means
5 any general use pesticide product ~~which that~~ contains no more than 3% active ingredients
6 and ~~which that~~ is applied undiluted by homeowners to control pests in and around the
7 family dwelling and associated structures. For the purposes of this definition and section
8 ~~1471-U~~ 1471-W, subsection 5, petroleum solvents ~~shall~~ are not ~~be~~ considered active
9 ingredients.

10 **Sec. 2. 22 MRSA §1471-U**, as repealed and replaced by PL 1989, c. 93, §1, is
11 amended to read:

12 **§1471-U. Municipal ordinances**

13 **1. Centralized listing.** The Board of Pesticides Control shall maintain for
14 informational purposes, for the entire State, a centralized listing of municipal ordinances
15 that specifically apply to pesticide storage, distribution or use and that meet the
16 requirements in subsection 6.

17 ~~**2. Existing ordinances.** The clerk of any municipality which, on the effective date~~
18 ~~of this section, has an ordinance to be listed under subsection 1 shall file a copy of that~~
19 ~~ordinance with the board by December 31, 1988.~~

20 **2-A. Existing ordinances.** The clerk of any municipality that, on the effective date
21 of this subsection, has an ordinance to be listed under subsection 1 shall file a copy of that
22 ordinance with the board by December 31, 2016.

23 **3. New ordinances.** The clerk of the municipality shall provide the board with
24 notice and a copy of any ordinance to be listed under subsection 1 at least 7 days prior to
25 the meeting of the legislative body or the public hearing at which adoption of the
26 ordinance will be considered. The clerk shall notify the board within 30 days after
27 adoption of the ordinance.

28 ~~**4. Intent.** It is the intent of this section to provide information on municipal~~
29 ~~ordinances. This section shall not affect municipal authority to enact ordinances.~~

30 **5. Failure to file.** For any ordinance ~~which that~~ is not filed with the board, with
31 notice given to the board in accordance with this section, ~~which that~~ is otherwise valid
32 under the laws of this State, any provision that specifically applies to storage, distribution
33 or use of pesticides ~~shall be~~ is considered void and of no effect after the deadline for
34 filing and until the board is given proper notice and the ordinance is filed with the board.

35 **6. Ordinance restriction.** A municipal ordinance that specifically applies to
36 pesticide storage, distribution or use may be adopted in accordance with this subsection.

37 A. A municipality may adopt an ordinance that specifically applies to pesticide
38 storage, distribution or use only if the ordinance does not apply to farms, nurseries as

1 defined in Title 7, section 2211, subsection 3 and golf courses and the Department of
2 Agriculture, Conservation and Forestry determines that the municipality has
3 established a municipal reviewing authority that is similar to the board.

4 B. Nothing in this subsection prohibits the Department of Agriculture, Conservation
5 and Forestry from enforcing the provisions of this chapter or Title 7, chapter 103,
6 subchapter 2-A or rules adopted pursuant to this chapter or Title 7, chapter 103,
7 subchapter 2-A to protect the public health.

8 C. The Department of Agriculture, Conservation and Forestry shall adopt rules to
9 implement this subsection. The rules must include criteria for the establishment of a
10 municipal reviewing authority similar to the board. Rules adopted pursuant to this
11 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter
12 2-A.

13 **SUMMARY**

14 This bill prohibits a municipality from adopting an ordinance that specifically applies
15 to pesticide storage, distribution or use unless the ordinance exempts farms, nurseries and
16 golf courses and the municipality establishes a municipal reviewing authority that is
17 similar to the Board of Pesticides Control within the Department of Agriculture,
18 Conservation and Forestry.