

# MAINE STATE LEGISLATURE

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Date: 4/2/2018 Report C

(Filing No. S- 431 )

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 700, L.D. 1853, Bill, "An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides"

Amend the bill by striking out the title and substituting the following:

'An Act To Promote Safe and Consistent Regulation of Pesticides by Requiring the Board of Pesticides Control To Review and Advise on Municipal Ordinances'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §1471-U, sub-§3, as repealed and replaced by PL 1989, c. 93, §1, is amended to read:

3. New ordinances. The clerk of the municipality shall provide the board with notice and a copy of any proposed ordinance subject to be listed listing under subsection 1 at least 7 90 days prior to the meeting of the legislative body or the public hearing at which adoption of the ordinance will be considered. The board shall review the proposed ordinance and provide advice and comments, including any recommended revisions to ensure the safe and consistent regulation of pesticides, to the clerk of the municipality within 60 days of receipt of the proposed ordinance. The municipal officers shall review and consider the board's advice, comments and recommended revisions to the ordinance. The clerk shall provide the board with notice and a copy of the ordinance, including any revisions, at least 7 days prior to the meeting of the legislative body or the public hearing at which adoption of the ordinance will be considered. The clerk shall notify the board within 30 days after adoption of the ordinance.

Sec. 2. Review of existing ordinances. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall review the municipal pesticide ordinances that are listed in the centralized listing maintained pursuant to the Maine Revised Statutes, Title 22, section 1471-U, subsection 1 as of the effective date of this Act. No later than December 31, 2018, the board shall provide to the clerk of a municipality that has an ordinance subject to board review under this section the board's

COMMITTEE AMENDMENT

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1 advice and comments, including any recommended revisions to ensure the safe and  
2 consistent regulation of pesticides. The municipal officers shall review and consider the  
3 board's advice, comments and recommended revisions to the ordinance.'

4 **SUMMARY**

5 This amendment is a minority report of the committee and replaces the bill and  
6 changes the title. The amendment requires the Department of Agriculture, Conservation  
7 and Forestry, Board of Pesticides Control to review any proposed municipal ordinance to  
8 regulate pesticide storage, distribution or use. Specifically, it requires municipalities to  
9 submit a proposed pesticide ordinance to the board at least 90 days prior to adoption,  
10 rather than 7 days in current law. It requires the board to review the proposed ordinance  
11 and, within 60 days of receiving the proposed ordinance, to provide advice and comments  
12 on the proposed ordinance, including recommended revisions to ensure the safe and  
13 consistent regulation of pesticides. It requires the municipality to review and consider the  
14 board's advice and recommendations prior to adoption of the ordinance.

15 The amendment also requires the board to review existing municipal pesticide  
16 ordinances in place as of the effective date of this Act and, no later than December 31,  
17 2018, provide advice and comments, including any recommended revisions to ensure the  
18 safe and consistent regulation of pesticides, to each municipality that has an existing  
19 ordinance. It requires the municipal officers to review and take under consideration the  
20 board's comments and recommended revisions to the existing ordinance.

21 **FISCAL NOTE REQUIRED**

22 (See attached)



# 128th MAINE LEGISLATURE

LD 1853

LR 2827(02)

An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-431)

Committee: State and Local Government

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional cost to the Department of Agriculture, Conservation and Forestry as a result of changes to the Board of Pesticides Control rules regarding review of municipal ordinances involving pesticide storage, distribution or use will be minor and can be absorbed within existing budgeted resources.