

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2083

H.P. 1484

House of Representatives, January 28, 2020

**An Act To Require the Board of Pesticides Control To Annually
Publish Certain Information Regarding Pesticides and To Prohibit
Certain Uses of Neonicotinoids**

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

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 GROHOSKI of Ellsworth.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: DOUDERA of Camden, HICKMAN of Winthrop, HUBBELL of Bar Harbor,
MAXMIN of Nobleboro, McDONALD of Stonington, PEBWORTH of Blue Hill, ZEIGLER
of Montville, Senator: GRATWICK of Penobscot.

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

2 **Sec. 1. 7 MRSA §618**, as amended by PL 2005, c. 620, §18, is further amended to
3 read:

4 **§618. Publication of information**

5 The board may publish, at least annually and in such form as it determines proper,
6 results of analyses based on official samples as compared with the guaranteed analyses
7 and information concerning the distribution of pesticides. The board may not publish
8 individual distribution information, and that information is not a public record under Title
9 1, section 402.

10 By March 31st annually, the board shall publish a summary of the reports received
11 during the previous calendar year from commercial applicators pursuant to Title 22,
12 section 1471-G, subsection 2 and rules adopted by the board. For each pesticide reported
13 to the board pursuant to Title 22, section 1471-G, subsection 2, the board's annual
14 summary must include information on the total quantity of pesticide applied and the total
15 area treated in each county in the State.

16 **Sec. 2. Classification of neonicotinoids as limited use pesticide**

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

19 A. "Certified applicator" has the same meaning as in the Maine Revised Statutes,
20 Title 22, section 1471-C, subsection 4.

21 B. "Product containing neonicotinoids" means any product containing dinotefuran,
22 clothianidin, imidacloprid or thiamethoxam.

23 **2. Classification.** The Department of Agriculture, Conservation and Forestry, Board
24 of Pesticides Control, referred to in this section as "the board," shall classify any product
25 containing neonicotinoids as a pesticide whose use is prohibited or limited by the board in
26 accordance with subsection 3.

27 **3. Rulemaking.** Pursuant to the Maine Revised Statutes, Title 7, section 610, the
28 board shall adopt rules establishing restrictions for the use of a product containing
29 neonicotinoids. Rules adopted pursuant to this subsection must include:

30 A. A prohibition on use of a product containing neonicotinoids for landscape
31 gardening by certified applicators; and

32 B. Authorization for limited use of a product containing neonicotinoids for landscape
33 gardening by certified applicators if the board determines that limited use is
34 necessary, in accordance with Title 22, section 1471-A, to safeguard the public
35 health, safety and welfare of the State and protect the natural resources of the State.

36 At least annually, rules adopted pursuant to this subsection must be reviewed, and if
37 necessary revised, to specify with respect to allowable uses of products containing

1 neonicotinoids the timing, geographic locations, quantities, target plant and insect species
2 and methods of application.

3 **SUMMARY**

4 This bill requires:

5 1. The Department of Agriculture, Conservation and Forestry, Board of Pesticides
6 Control to annually publish a summary of the reports received during the previous
7 calendar year from commercial applicators of pesticides. For each pesticide reported to
8 the board, the board's annual summary must include information on the total quantity of
9 pesticide applied and the total area treated in each county in the State; and

10 2. The Board of Pesticides Control to prohibit the use of any product containing
11 neonicotinoids for landscape gardening by certified applicators or limit the use of any
12 product containing neonicotinoids if the board determines that use is necessary to protect
13 the State. The bill also requires the board to adopt rules establishing restrictions for the
14 use of products containing neonicotinoids.