

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1599

H.P. 1188

House of Representatives, April 27, 2021

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### An Act To Establish A Maine Pesticide Sales and Use Registry

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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 OSHER of Orono.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: COLLINGS of Portland, DOUDERA of Camden, DUNPHY of Old Town,  
McCREA of Fort Fairfield, MILLETT of Cape Elizabeth, O'NEIL of Saco, ZEIGLER of  
Montville, Senator: DAUGHTRY of Cumberland.

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

2 **Sec. 1. 22 MRSA §1471-X**, as enacted by PL 1997, c. 389, §2, is amended to read:

3 **§1471-X. State policy; public and private initiatives to minimize reliance on pesticides**

4 It is the policy of the State to work to find ways to use the minimum amount of  
5 pesticides needed to effectively control targeted pests in all areas of application. The  
6 agencies of the State involved in the regulation or use of pesticides shall promote the  
7 principles and the implementation of integrated pest management and other science-based  
8 technology to minimize reliance on pesticides while recognizing that outbreaks of disease,  
9 insects and other pests will necessitate fluctuations in pesticide use. These agencies, in  
10 cooperation with private interest groups, shall work to educate pesticide users and the  
11 general public in the proper use of pesticides and to determine other actions needed to  
12 accomplish the state policy. The board shall submit an annual report to the joint standing  
13 committee of the Legislature having jurisdiction over agriculture, conservation and forestry  
14 matters, the joint standing committee of the Legislature having jurisdiction over health and  
15 human service matters, the joint standing committee of the Legislature having jurisdiction  
16 over environment and natural resources matters and the joint standing committee of the  
17 Legislature having jurisdiction over innovation, development, economic advancement and  
18 business matters on developments and progress made to carry out the purposes of this  
19 section.

20 **Sec. 2. 22 MRSA §1471-CC** is enacted to read:

21 **§1471-CC. Pesticide sales and use registry**

22 **1. Pesticide sales and use registry.** The board, in consultation with the Department  
23 of Administrative and Financial Services, Office of Information Technology, shall develop  
24 and administer a comprehensive online pesticide sales and use registry for documenting  
25 and quantifying pesticide sales, distribution and application in the State by licensed  
26 pesticide dealers and certified applicators using information reported under section 1471-G.  
27 The board shall post the information received under subsections 2 and 3 on a publicly  
28 accessible website maintained by the board.

29 **2. Pesticide dealers.** Beginning January 1, 2023, a pesticide dealer licensed under  
30 section 1471-D shall maintain a record of a sale or distribution of a pesticide. Beginning  
31 February 15, 2023 and for every month thereafter, a pesticide dealer licensed under section  
32 1471-D shall submit to the board a report of all sales and distributions of pesticides made  
33 by the dealer for the preceding month. Information required for the record and report under  
34 this subsection includes:

35 A. The name of the pesticide dealer;

36 B. The number, if any, of the dealer's license issued under section 1471-D;

37 C. The name under which the pesticide dealer is performing licensed activities;

38 D. The telephone number of the pesticide dealer;

39 E. The e-mail address of the pesticide dealer;

40 F. The mailing address of the pesticide dealer;

1 G. The brand name, United States Environmental Protection Agency registration  
2 number and quantity of each pesticide sold or distributed by the pesticide dealer;

3 H. The brand name, United States Environmental Protection Agency registration  
4 number and quantity of each pesticide returned by a customer of the pesticide dealer;  
5 and

6 I. The active ingredients in each pesticide sold or distributed under paragraph G or  
7 returned under paragraph H.

8 **3. Applicators.** Beginning January 1, 2023, a certified applicator shall submit to the  
9 board a report of each pesticide application performed by the applicator within one week  
10 after the application. Except as provided in subsection 4, beginning January 1, 2024, a  
11 certified applicator shall submit to the board a report of each pesticide application to be  
12 performed by the applicator at least one day prior to the application. Information required  
13 for a report under this subsection includes:

14 A. The name of the certified applicator;

15 B. The number of the certified applicator's certificate issued under section 1471-D;

16 C. The name under which the certified applicator is performing certified activities;

17 D. The telephone number of the certified applicator;

18 E. The e-mail address of the certified applicator;

19 F. The mailing address of the certified applicator;

20 G. The date and time of the application;

21 H. The brand name and United States Environmental Protection Agency registration  
22 number for each pesticide used in the application;

23 I. The active ingredients in each pesticide used in the application;

24 J. The quantity of each pesticide used in the application;

25 K. A description of the equipment used for the application and the manner in which  
26 the pesticides used in the application are applied;

27 L. The location of the application. If a street address is not available, the certified  
28 applicator shall provide the coordinates by longitude and latitude of the area subject to  
29 the application or a description of the property in sufficient detail to be identified on  
30 reasonably available Internet mapping software;

31 M. Whether the pesticide used in the application is applied indoors or outdoors; and

32 N. The purpose of the application, including:

33 (1) If to prevent, destroy, repel or mitigate a pest, a description of the target pest;  
34 and

35 (2) If for use as a plant regulator, defoliant or desiccant, a description of the target  
36 plant.

37 **4. Integrated pest management.** Beginning January 1, 2025, notwithstanding the  
38 provisions of subsection 3, a certified applicator using integrated pest management as  
39 defined in Title 7, section 2401, subsection 1 may submit a report to the board required

1 under subsection 3 prior to the application on the day of the application if an immediate  
2 threat to an agricultural crop arises and a delay in the application would:

3 A. Result in significantly more damage to the crop; or

4 B. Require a more extensive application of a pesticide or use of a more toxic pesticide.

5 A certified applicator that submits a report under this subsection must include in the report  
6 a description of the immediate threat under this subsection.

7 **5. Rules.** The board shall adopt rules to carry out the purposes of this section. Rules  
8 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
9 375, subchapter 2-A.

10 **Sec. 3. Report.** No later than February 1, 2022, the Department of Agriculture,  
11 Conservation and Forestry, Board of Pesticides Control, with input from the Department  
12 of Administrative and Financial Services, Office of Information Technology, shall submit  
13 a report to the Joint Standing Committee on Agriculture, Conservation and Forestry, the  
14 Joint Standing Committee on Health and Human Services, the Joint Standing Committee  
15 on Environment and Natural Resources and the Joint Standing Committee on Innovation,  
16 Development, Economic Advancement and Business on:

17 1. Progress made in developing and administering an online registry pursuant to the  
18 Maine Revised Statutes, Title 22, section 1471-CC; and

19 2. Recommendations for ensuring that information from pesticide dealers and  
20 applicators is recorded on the registry if a dealer or applicator is unable to access the  
21 Internet.

22 The joint standing committees may report out legislation based upon the report under this  
23 section to the Second Regular Session of the 130th Legislature.

## 24 SUMMARY

25 This bill directs the Department of Agriculture, Conservation and Forestry, Board of  
26 Pesticides Control, in collaboration with the Department of Administrative and Financial  
27 Services, Office of Information Technology, to create a publicly accessible online registry  
28 of pesticide dealers and applicators reporting pesticides sold, distributed or applied in the  
29 State and including the quantity, location and purpose of the use of pesticides in indoor and  
30 outdoor applications. This bill also requires the Board of Pesticides Control to report  
31 annually to the Legislature on the developments and progress made in carrying out the state  
32 policy of minimizing the use of pesticides.