

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

the laws of this State and the other member states and not by the terms of the agreement.

**2. No cause of action.** A person does not have any cause of action or defense under the agreement or by virtue of this State's approval of the agreement. A person may not challenge, in any action brought under any provision of law, any action or inaction by any department, agency or other instrumentality of this State, or any political subdivision of this State, on the ground that the action or inaction is inconsistent with the agreement.

**3. Other laws of State.** A law of this State, or the application of a law of this State, may not be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

### **§7129. Seller and 3rd-party liability**

**1. Certified service provider agent of seller.** A certified service provider is the agent of the seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use taxes due each signatory state to the agreement on all sales transactions the certified service provider processes for the seller, except as set forth in this section. A seller that contracts with a certified service provider is not liable to the state for sales or use taxes due on transactions processed by the certified service provider unless the seller misrepresents the type of items the seller sells or commits fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed for the seller by a certified service provider. A seller is subject to audit for transactions not processed by a certified service provider. The signatory states to the agreement acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and the extent to which the seller's transactions are being processed by a certified service provider.

**2. Responsibility for errors.** A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the State for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the State for reporting and remitting tax.

**3. Proprietary system of seller.** A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement

with this State establishing a performance standard for that system is liable for the failure of the system to meet the performance standard.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 1, 2002.

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## CHAPTER 497

### S.P. 716 - L.D. 1918

#### An Act to Amend the Integrated Pest Management Laws

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

**Sec. 1. 5 MRSA §12004-G, sub-§22-A** is enacted to read:

<u>22-A.</u>	<u>Integrated</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Pest</u>	<u>Only</u>	<u>§2404</u>
	<u>Management</u>		
	<u>Council</u>		

**Sec. 2. 7 MRSA §2402**, as amended by PL 1993, c. 251, Pt. B, §2, is repealed.

**Sec. 3. 7 MRSA §§2404 and 2405** are enacted to read:

#### **§2404. Integrated Pest Management Council**

**1. Establishment; meetings.** The Integrated Pest Management Council, referred to in this section as the "council," as established in Title 5, section 12004-G, subsection 22-A, is created within the department and is administered jointly by the department and the University of Maine Cooperative Extension Pest Management Office. Members of the council must be jointly appointed by the commissioner and the Director of the University of Maine Cooperative Extension. The council must meet at least 2 times a year. Members are entitled to reimbursement for expenses only in accordance with Title 5, chapter 379.

**2. Membership.** The council consists of the following 11 members:

**A.** Three members representing agricultural pest management;

**B.** One member representing a citizen interest organization;

**C.** One member representing the interest of forestry;

D. One member representing organic growers and producers;

E. One member representing structural pest management;

F. One member representing rights-of-way vegetation management;

G. One member representing turf or landscape management;

H. One member representing a nonprofit environmental organization; and

I. One member representing integrated pest management research.

**3. Term of office.** The term of office for members is 3 years except that, of the original members appointed, the appointing authority shall appoint members to serve one-year, 2-year and 3-year terms to establish staggered terms.

**4. Coordinators.** The commissioner and the Director of the University of Maine Cooperative Extension shall each appoint one member of the council to serve as a cocoordinator of the council.

**5. Duties; responsibilities.** The council shall facilitate, promote, expand and enhance integrated pest management adoption in all sectors of pesticide use and pest management within the State. Specifically, the council shall:

A. Identify long-term and short-term priorities for integrated pest management research, education, demonstration and implementation;

B. Serve as a communication link for the development of coordinated multidisciplinary partnerships among researchers, educators, regulators, policymakers and integrated pest management users;

C. Identify funding sources and cooperate on obtaining new funding for on-site trials, education and training programs and other efforts to meet identified goals for expanding, advancing and implementing integrated pest management;

D. Establish measurable goals for expansion of integrated pest management into new sectors and advancing the level of integrated pest management adoption in sectors where integrated pest management is already practiced; and

E. Cooperate with appropriate organizations to establish protocols for measuring and documenting integrated pest management adoption in the State.

**6. Report.** The council shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters annually on all of the council's activities during the year.

**§2405. Integrated Pest Management Fund**

There is created a dedicated, nonlapsing Integrated Pest Management Fund. The commissioner shall credit funds from any source to the Integrated Pest Management Fund for the purpose of developing and implementing integrated pest management programs. Appropriations from the General Fund may not be credited to the Integrated Pest Management Fund.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Board of Pesticides Control**

Initiative: Provides an additional allocation to support integrated pest management demonstration projects and to provide reimbursement to members of the newly established Integrated Pest Management Council.

Other Special Revenue Fund	2001-02	2002-03
All Other	\$0	\$50,000

See title page for effective date.

**CHAPTER 498**

**H.P. 1456 - L.D. 1953**

**An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee**

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

**Sec. 1. 7 MRSA §607, sub-§6,** as amended by PL 1993, c. 410, Pt. S, §1, is further amended to read:

**6. Registration fee; validity.** The applicant desiring to register a pesticide shall pay an annual registration fee of \$105 beginning in calendar year 1994 and \$115 beginning in calendar year 2003 and thereafter for each pesticide registered for that applicant. Annual registration periods expire on December 31st of any one year or in a manner consistent with the Maine Administrative Procedure