

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

See title page for effective date.

CHAPTER 548

H.P. 1111 - L.D. 1518

An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory

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

Sec. 1. 7 MRSA c. 419 is enacted to read:

CHAPTER 419

TICK LABORATORY AND PEST MANAGEMENT FUND

§2471. Tick Laboratory and Pest Management Fund

The Tick Laboratory and Pest Management Fund, referred to in this chapter as "the fund," is established. The fund is nonlapsing, is administered by the University of Maine at Orono and consists of funds derived from the pesticide container fee under Title 36, section 4911, appropriations and allocations to the fund and funds from other public and private sources. The fund, to be accounted within the University of Maine at Orono, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund must be disbursed on a quarterly basis to the University of Maine at Orono.

§2472. Expenditures from the fund

Funds in the fund must be distributed by the University of Maine at Orono as provided in this section.

1. Pesticide container fee reimbursement. Funds must be provided for ongoing reimbursement to the State Tax Assessor on a monthly basis by the 15th of the month following collection, to pay for administrative costs not to exceed \$40,000 annually from collection of the pesticide container fee imposed under Title 36, section 4911.

2. Registered pesticides. Funds must be provided for ongoing reimbursement, not to exceed \$60,000 annually, to the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3 and referred to in this chapter as "the board," to generate and maintain a list of pesticides registered with the board pursuant to section 607 and answer inquiries relating to the list. The board shall post on its publicly accessible website, a list of currently registered pesticide products.

3. Administrative costs. Funds must be provided for ongoing reimbursement to the University of Maine at Orono for administrative costs not to exceed 10% of the balance remaining in the fund after the amounts under subsections 1 and 2 are subtracted.

4. Pest management education. Twenty-five percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine Cooperative Extension pest management unit for outreach and education initiatives on pest management and pesticide safety and pesticide application and use, particularly for homeowners and other individuals using pesticides.

5. Tick laboratory costs. Fifty percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to:

- A. Testing ticks provided by residents of the State for pathogenic organisms;
- B. General tick laboratory operations;
- C. Salaries;
- D. Tick management research, demonstrations and educational outreach, including community integrated pest management and developing educational materials;
- E. Equipment, materials and supplies;
- F. Facility expansion; and
- G. Medical and veterinary pest management focusing on health-related issues caused by ticks and other arthropods as needed.

6. Pest research. Twenty-five percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine at Orono or to an entity in collaboration with the University of Maine at Orono for a pest research project to be identified every 3 years by a pest research committee designated by the University of Maine at Orono, the University of Maine System and the department in the 2nd year of the project. The pest research committee under this subsection consists of 7 members, including:

A. One member who is an extension specialist with pest management expertise, appointed by the dean of the University of Maine Cooperative Extension;

B. Two members who are faculty of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture with pest management expertise, appointed by the dean of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture, Maine Agricultural and Forest Experiment Station;

C. Two members, one representing the agricultural sector and one who is a commercial pesticide applicator, appointed jointly by the dean of the University of Maine Cooperative Extension and the dean of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture, Maine Agricultural and Forest Experiment Station;

D. One member representing a campus of the University of Maine System other than the University of Maine campus in Orono and having pest management expertise, appointed by the Chancellor of the University of Maine System; and

E. One member from the department with pest management expertise, appointed by the commissioner.

Members serve one-year terms and may be reappointed to successive terms.

7. Report. No later than January 15th of each year, the University of Maine at Orono shall submit a report to the board and the joint standing committee of the Legislature having jurisdiction over agriculture matters on use of the funds under this chapter.

8. Rules. The board may adopt rules to carry out the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 36 MRSA c. 723 is enacted to read:

CHAPTER 723

PESTICIDE CONTAINER FEE

§4911. Fee imposed

1. Imposition. A fee is imposed on the retail sale in the State of containers of pesticide products registered with the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3 and referred to in this chapter as "the board," in the amount of 15¢ per container. Three cents of the container fee imposed under this subsection may be retained by the retailer to defray the costs associated with collecting the fee.

2. Exemptions. The following products are exempt from the fee under subsection 1:

A. A container of pesticides sold by a manufacturer or manufacturer's representative directly to a

pesticide applicator licensed under Title 22, section 1471-D;

B. A container of pesticides sold to a pesticide applicator licensed under Title 22, section 1471-D that is exempt from sales tax pursuant to section 1760, subsection 7-B or 7-C; and

C. A container of paint, stain, wood preservative or sealant registered as a pesticide with the board.

3. Administration of fee. The fee imposed by this chapter is administered as provided in chapter 7 and Part 3, with the fee imposed pursuant to this chapter to be considered as imposed under Part 3. The revenue collected during the preceding month pursuant to this subsection must be transferred to the Treasurer of State on a monthly basis on or before the last day of the month. The Treasurer of State shall credit all revenue derived from the fee imposed by this chapter to the Tick Laboratory and Pest Management Fund established under Title 7, chapter 419.

Sec. 3. University of Maine at Orono to conduct study on browntail moths. Upon the effective date of this Act, the University of Maine at Orono shall commence a study of browntail moths as the first research project to be conducted under the Maine Revised Statutes, Title 7, section 2472, subsection 6.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides a one-time allocation for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$16,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$16,000	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
	\$16,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$16,000	\$0

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Pesticides Control - Board of 0287

Initiative: Provides allocations for one half-time Office Associate II position to generate and maintain a list of registered pesticides.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,213	\$33,890
All Other	\$2,625	\$2,625
OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,838	\$36,515

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
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OTHER SPECIAL REVENUE FUNDS	\$26,838	\$36,515
DEPARTMENT TOTAL - ALL FUNDS	\$26,838	\$36,515

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Tick Laboratory and Pest Management Fund N330

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$26,662	\$102,485
OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,662	\$102,485

UM Cooperative Extension - Pesticide Education Z059

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee to be used for tick laboratory costs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$27,000	\$54,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,000	\$54,000

UM Cooperative Extension - Pesticide Education Z059

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee to be used for pest management education.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$13,500	\$27,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,500	\$27,000

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS

	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$67,162	\$183,485
DEPARTMENT TOTAL - ALL FUNDS	\$67,162	\$183,485

SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$110,000	\$220,000

SECTION TOTAL - ALL FUNDS	\$110,000	\$220,000
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Sec. 5. Effective date. This Act takes effect January 1, 2020.

See title page for effective date.

CHAPTER 549

S.P. 487 - L.D. 1550

An Act To Create a Victims' Compensation Fund for Victims of Property Crimes

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

Sec. 1. 5 MRSA §3360-A, sub-§1, as enacted by PL 1991, c. 806, §3, is amended to read:

1. Establishment and membership. There is established within the Department of the Attorney General the Victims' Compensation Board. The board consists of 3 ~~5~~ members appointed by the Attorney General. One member must be a physician licensed to practice medicine in the State; one member must be an attorney licensed to practice law in the State; ~~and one member must be experienced in working with victims of crime;~~ and, beginning July 1, 2022, one member must be knowledgeable about insurance claims regarding property damage or replacement and one member must represent the public.

Sec. 2. 5 MRSA §3360-A, sub-§6, as enacted by PL 1991, c. 806, §3, is amended to read:

6. Quorum. Two members of the board constitute a quorum and, beginning July 1, 2022, 3 members of the board constitute a quorum.

Sec. 3. 5 MRSA §3360-A, sub-§7, as enacted by PL 1991, c. 806, §3, is amended to read:

7. Rules. The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this chapter and, beginning July 1, 2022, the purposes of chapter 316-C. Rules adopted pursuant