

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.

ROBERT B. HUNT

R(+ 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.

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

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

§618. Publication of information

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

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

Sec. 2. Classification of neonicotinoids as limited use pesticide

- **1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Certified applicator" has the same meaning as in the Maine Revised Statutes, Title 22, section 1471-C, subsection 4.
 - B. "Product containing neonicotinoids" means any product containing dinotefuran, clothianidin, imidacloprid or thiamethoxam.
- **2.** Classification. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, referred to in this section as "the board," shall classify any product containing neonicotinoids as a pesticide whose use is prohibited or limited by the board in accordance with subsection 3.
- **3. Rulemaking.** Pursuant to the Maine Revised Statutes, Title 7, section 610, the board shall adopt rules establishing restrictions for the use of a product containing neonicotinoids. Rules adopted pursuant to this subsection must include:
 - A. A prohibition on use of a product containing neonicotinoids for landscape gardening by certified applicators; and
 - B. Authorization for limited use of a product containing neonicotinoids for landscape gardening by certified applicators if the board determines that limited use is necessary, in accordance with Title 22, section 1471-A, to safeguard the public health, safety and welfare of the State and protect the natural resources of the State.
- At least annually, rules adopted pursuant to this subsection must be reviewed, and if necessary revised, to specify with respect to allowable uses of products containing

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

3 SUMMARY

This bill requires:

- 1. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to annually publish a summary of the reports received during the previous calendar year from commercial applicators of pesticides. For each pesticide reported to the board, the board's annual summary must include information on the total quantity of pesticide applied and the total area treated in each county in the State; and
- 2. The Board of Pesticides Control to prohibit the use of any product containing neonicotinoids for landscape gardening by certified applicators or limit the use of any product containing neonicotinoids if the board determines that use is necessary to protect the State. The bill also requires the board to adopt rules establishing restrictions for the use of products containing neonicotinoids.