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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 731, L.D. 2021, “An Act To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public ”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 7 MRSA §607, sub-§2, ¶B, as enacted by PL 1975, c. 382, §3, is amended to read:

B. The name of the pesticide; and information about the pesticide available to the applicant at the time of registration, including, but not limited to:

- (1) The pounds of active ingredients per gallon of liquid formulations of the pesticide or pounds of desiccated pesticide applied in dry form;
- (2) The brand name of the pesticide;
- (3) The expected type of use of the pesticide described in a manner specified by the board; and
- (4) Information on the pesticide product label that describes the acute toxicity of the formulated pesticide product or other toxicity data specified by the board;

Sec. 2. 22 MRSA §1471-G, sub-§3 is enacted to read:

3. Confidentiality. Information collected by the board under this section is public, except that the following information is confidential:

- A. The name of the commercial applicator;
- B. Identifying information of the commercial applicator or the business that employs the commercial applicator; and
- C. The location of the application of pesticide.

Summary reports that use aggregate data that do not reveal the activities of an individual person or business are public records as defined in Title 1, section 402, subsection 3.

Sec. 3. 22 MRSA §1471-X, as enacted by PL 1997, c. 389, §2, is amended to read:

COMMITTEE AMENDMENT

1 **§1471-X. State policy; public and private initiatives to minimize reliance on**
2 **pesticides; report**

3 It is the policy of the State to work to find ways to use the minimum amount of
4 pesticides needed to effectively control targeted pests in all areas of application. The
5 agencies of the State involved in the regulation or use of pesticides shall promote the
6 principles and the implementation of integrated pest management and other science-based
7 technology to minimize reliance on pesticides while recognizing that outbreaks of disease,
8 insects and other pests will necessitate fluctuations in pesticide use. These agencies, in
9 cooperation with private interest groups, shall work to educate pesticide users and the
10 general public in the proper use of pesticides and to determine other actions needed to
11 accomplish the state policy. The board shall submit an annual report by March 1st of each
12 year to the joint standing committee of the Legislature having jurisdiction over agriculture,
13 conservation and forestry matters, the joint standing committee of the Legislature having
14 jurisdiction over health and human services matters, the joint standing committee of the
15 Legislature having jurisdiction over environment and natural resources matters and the
16 joint standing committee of the Legislature having jurisdiction over innovation,
17 development, economic advancement and business matters on developments and progress
18 made to carry out the purposes of this section.

19 **Sec. 4. 22 MRSA §1471-CC** is enacted to read:

20 **§1471-CC. Pesticide sales and use database**

21 **1. Pesticide sales and use database.** The board, in consultation with the Department
22 of Administrative and Financial Services, Office of Information Technology, shall develop
23 and administer a comprehensive online pesticide sales and use database for documenting
24 and quantifying pesticide sales, distribution and application in the State by licensed general
25 use pesticide dealers, pesticide dealers and certified applicators using information reported
26 under sections 1471-G and 1471-W.

27 **2. General use pesticide dealers and pesticide dealers.** Beginning January 1, 2023,
28 a general use pesticide dealer licensed under section 1471-W and a pesticide dealer licensed
29 under 1471-D shall maintain a record of sale or distribution of a pesticide sold or distributed
30 in this State. Beginning February 15, 2023 and every month thereafter, a general use
31 pesticide dealer and a pesticide dealer shall submit to the board's online pesticide sales and
32 use database developed under subsection 1 a report of all sales and distributions of
33 pesticides in this State made by the dealer for the preceding month.

34 **3. Applicators.** Beginning January 1, 2023, a certified applicator shall submit
35 pesticide applicator record-keeping data within 90 days after application of a pesticide
36 either to the board's online pesticide sales and use database developed under subsection 1
37 or to the board directly. The board shall enter data submitted to the board directly into the
38 online pesticide sales and use database.

39 **4. Rules.** The board shall adopt rules to carry out the purposes of this section. Rules
40 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
41 375, subchapter 2-A.

42 **Sec. 5. Report.** No later than February 1, 2023, the Department of Agriculture,
43 Conservation and Forestry, Board of Pesticides Control, with input from the Department
44 of Administrative and Financial Services, Office of Information Technology, shall submit

1 a report to the joint standing committees of the Legislature having jurisdiction over
 2 agriculture, conservation and forestry matters, health and human services matters,
 3 environment and natural resources matters and innovation, development, economic
 4 advancement and business matters on:

5 1. Progress made in developing and administering the online pesticide sales and use
 6 database pursuant to the Maine Revised Statutes, Title 22, section 1471-CC; and

7 2. Recommendations for ensuring that information from a pesticide dealer or an
 8 applicator is recorded in the online pesticide sales and use database if that dealer or
 9 applicator is unable to access the Internet.

10 The joint standing committees that receive the report under this section may each report
 11 out legislation based upon the report under this section to the First Regular Session of the
 12 131st Legislature.

13 **Sec. 6. Appropriations and allocations.** The following appropriations and
 14 allocations are made.

15 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 16 **Office of the Commissioner 0401**

17 Initiative: Provides funding for position technology and STA-CAP expenses.

18 OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
19 All Other	\$0	\$34,506
20		
21 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$34,506

22 **Pesticides Control - Board of 0287**

23 Initiative: Provides one-time funding to develop an online database of pesticide sales,
 24 distribution and application sites.

25 GENERAL FUND	2021-22	2022-23
26 All Other	\$0	\$500,000
27		
28 GENERAL FUND TOTAL	\$0	\$500,000

29 **Pesticides Control - Board of 0287**

30 Initiative: Provides one-time funding for contracted services to complete database entry.

31 GENERAL FUND	2021-22	2022-23
32 All Other	\$0	\$233,000
33		
34 GENERAL FUND TOTAL	\$0	\$233,000

35 **Pesticides Control - Board of 0287**

36 Initiative: Provides funding for 5 limited-period Environmental Specialist II positions,
 37 which end on June 30, 2024, and related All Other costs. Also provides ongoing funding
 38 for 2 Environmental Specialist II positions, one Environmental Specialist III position, one
 39 Environmental Specialist IV position and related All Other costs.

40 GENERAL FUND	2021-22	2022-23
41 POSITIONS - LEGISLATIVE COUNT	0.000	4.000

1	Personal Services	\$0	\$609,215
2	All Other	\$0	\$31,500
3			
4	GENERAL FUND TOTAL	\$0	\$640,715
5			
6	AGRICULTURE, CONSERVATION AND		
7	FORESTRY, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2021-22	2022-23
9			
10	GENERAL FUND	\$0	\$1,373,715
11	OTHER SPECIAL REVENUE FUNDS	\$0	\$34,506
12			
13	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,408,221

14
 15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 16 number to read consecutively.

17 **SUMMARY**

18 This amendment, which is the minority report of the committee, replaces the bill and
 19 directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides
 20 Control, in consultation with the Department of Administrative and Financial Services,
 21 Office of Information Technology, to develop and administer a comprehensive online
 22 pesticide sales and use database for documenting and quantifying pesticide sales,
 23 distribution and application in the State by licensed general use pesticide dealers, pesticide
 24 dealers and certified applicators.

25 The amendment removes the requirement from the bill that commercial agricultural
 26 producers maintain records relating to pesticide sales and use. Instead, the amendment
 27 requires, beginning January 1, 2023, general use pesticide dealers and pesticide dealers to
 28 maintain a record of sale or distribution of a pesticide. The amendment requires, beginning
 29 February 15, 2023, and every month thereafter, general use pesticide dealers and pesticide
 30 dealers to submit to the board’s online pesticide sales and use database a report of all sales
 31 and distributions of pesticides made for the preceding month. The amendment also requires
 32 certified applicators to submit pesticide applicator record-keeping data within 90 days after
 33 application of a pesticide either to the board’s online pesticide sales and use database or to
 34 the board directly.

35 The amendment requires the board to report annually to the Legislature on the
 36 developments and progress made in carrying out the state policy of minimizing the use of
 37 pesticides.

38 The amendment removes the requirement from the bill that the board amend its rules
 39 relating to record keeping and reporting requirements.

40 The amendment removes the requirement that the board convene a series of stakeholder
 41 meetings with parties required to submit sales and use reports and entities interested in sales
 42 and use data to understand the types of questions to which the data might be applied.

COMMITTEE AMENDMENT

