

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create Stability in the Control of Pesticides

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

Sec. 1. 22 MRSA §1471-C, sub-§13-A, as enacted by PL 1987, c. 723, §3, is amended to read:

13-A. Household use pesticide product. "Household use pesticide product" means any general use pesticide product ~~which~~that contains no more than 3% active ingredients and ~~which~~that is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section ~~1471-U~~1471-W, subsection 5, petroleum solvents ~~shall~~are not be considered active ingredients.

Sec. 2. 22 MRSA §1471-U, as repealed and replaced by PL 1989, c. 93, §1, is amended to read:

§ 1471-U. Municipal ordinances

1. Centralized listing. The Board of Pesticides Control shall maintain for informational purposes, for the entire State, a centralized listing of municipal ordinances that specifically apply to pesticide storage, distribution or use and that meet the requirements in subsection 6.

2. Existing ordinances. ~~The clerk of any municipality which, on the effective date of this section, has an ordinance to be listed under subsection 1 shall file a copy of that ordinance with the board by December 31, 1988.~~

2-A. Existing ordinances. The clerk of any municipality that, on the effective date of this subsection, has an ordinance to be listed under subsection 1 shall file a copy of that ordinance with the board by December 31, 2016.

3. New ordinances. The clerk of the municipality shall provide the board with notice and a copy of any ordinance to be listed under subsection 1 at least 7 days prior to the meeting of the legislative body or the public hearing at which adoption of the ordinance will be considered. The clerk shall notify the board within 30 days after adoption of the ordinance.

4. Intent. ~~It is the intent of this section to provide information on municipal ordinances. This section shall not affect municipal authority to enact ordinances.~~

5. Failure to file. For any ordinance ~~which~~that is not filed with the board, with notice given to the board in accordance with this section, ~~which~~that is otherwise valid under the laws of this State, any provision that specifically applies to storage, distribution or use of pesticides ~~shall be~~is considered void and of no effect after the deadline for filing and until the board is given proper notice and the ordinance is filed with the board.

6. Ordinance restriction. A municipal ordinance that specifically applies to pesticide storage, distribution or use may be adopted in accordance with this subsection.

A. A municipality may adopt an ordinance that specifically applies to pesticide storage, distribution or use only if the ordinance does not apply to farms, nurseries as defined in Title 7, section 2211, subsection 3 and golf courses and the Department of Agriculture, Conservation and Forestry determines that the municipality has established a municipal reviewing authority that is similar to the board.

B. Nothing in this subsection prohibits the Department of Agriculture, Conservation and Forestry from enforcing the provisions of this chapter or Title 7, chapter 103, subchapter 2-A or rules adopted pursuant to this chapter or Title 7, chapter 103, subchapter 2-A to protect the public health.

C. The Department of Agriculture, Conservation and Forestry shall adopt rules to implement this subsection. The rules must include criteria for the establishment of a municipal reviewing authority similar to the board. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill prohibits a municipality from adopting an ordinance that specifically applies to pesticide storage, distribution or use unless the ordinance exempts farms, nurseries and golf courses and the municipality establishes a municipal reviewing authority that is similar to the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry.