

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

Amend the bill by striking out the title and substituting the following:

**'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'**

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

'**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	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$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
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
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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

Sec. 5. Effective date. This Act takes effect January 1, 2020.'

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

SUMMARY

The bill establishes the Tick Laboratory and Pest Management Fund. This amendment provides that the fund is administered by the University of Maine at Orono to fund the tick laboratory and other pest management research and projects. The amendment provides that a portion of the funds must be provided for ongoing reimbursement, up to \$60,000 annually, to the Board of Pesticides Control to generate and maintain a list of pesticides registered with the board and make available to the public through the board's publicly accessible website the list and answer inquiries relating to the list.

The amendment provides that a portion of the fund may be used by the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to, development of educational materials; equipment, materials and supplies; and facility expansion.

The amendment makes changes to the composition of the pest research committee as described in the bill.

The amendment removes from the bill the requirement that the Board of Pesticides Control investigate any complaint alleging a violation of a local, state or federal law or rule regarding pesticide use.

The amendment removes from the bill the requirement that a political subdivision of the State that wants to eliminate use in the political subdivision of a pesticide registered by the United States Environmental Protection Agency submit a request to eliminate use of that pesticide to the Board of Pesticides Control.

The amendment provides that the fund is funded by a pesticide container fee administered by the State Tax Assessor of 15¢ per container, rather than 20¢ as in the bill.

The amendment removes the provision of the bill that allows the State Tax Assessor to inspect the books or records of a retailer or to inspect the premises of a retailer where general use pesticides are stored, handled, transported or merchandised for the purpose of determining what pesticide products are

HP1111, LD 1518, item 2, 129th Maine State Legislature , Amendment C "A", Filing Number H-554, Sponsored by
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taxable. The State Tax Assessor has the authority to inspect under current law pursuant to the Maine Revised Statutes, Title 36, section 112.

The amendment also provides a one-time allocation to the Department of Administrative and Financial Services, Maine Revenue Services for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

The amendment provides that the effective date of the legislation is January 1, 2020.

FISCAL NOTE REQUIRED
(See attached)