

127th MAINE LEGISLATURE

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Legislative Document

No. 1099

H.P. 759

House of Representatives, March 25, 2015

An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

ROBERT B. HUNT Clerk

Presented by Representative BLACK of Wilton.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: DUCHESNE of Hudson, HANLEY of Pittston, LUCHINI of Ellsworth,
MAREAN of Hollis, SKOLFIELD of Weld, Senators: ALFOND of Cumberland, CUSHING
of Penobscot.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 7 MRSA c. 417 is enacted to read:
3	<u>CHAPTER 417</u>
4	ANIMAL AND PLANT DISEASE AND INSECT CONTROL FUND
5	§2431. Fund established
6 7 8 9 10 11 12 13 14	The Animal and Plant Disease and Insect Control Fund, referred to in this chapter as "the fund," is established. The fund is administered by the University of Maine Cooperative Extension and consists of funds received from Title 36, chapter 723, any appropriation or allocation from the Legislature and contributions from private and public sources. The fund, to be accounted within the University of Maine Cooperative Extension, 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 at the end of a fiscal year must be disbursed to the University of Maine Cooperative Extension.
15	§2432. Expenditures from fund; distribution
16 17	Funds in the fund, after reimbursement for fund administration costs, must be distributed by the University of Maine Cooperative Extension as follows:
18 19 20	1. Pesticide container fee reimbursement. Reimbursement annually to Maine Revenue Services to pay for administrative costs from collection of the pesticide container fee under Title 36, section 4911, subsection 3;
21 22 23	2. Board of Pesticides Control reimbursement. Reimbursement annually to the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3, to pay for costs under Title 36, section 4911, subsection 5;
24 25 26 27 28	3. Pest management education. To the University of Maine Cooperative Extension for outreach and education initiatives on pest management and pesticide safety, including community integrated pest management and medical and veterinary pest management focusing on health-related issues caused by ticks and mosquitoes, and pesticide application and use, focusing on pollinator health and safety; and
29 30 31 32	4. Laboratory operations. To the University of Maine Cooperative Extension for costs of its animal and plant disease and insect control laboratory, including testing ticks provided by the public for pathogenic organisms and general laboratory operations involving pesticide management and insect control.
33	Sec. 2. 36 MRSA c. 723 is enacted to read:
34	CHAPTER 723
35	PESTICIDE CONTAINER FEE

§4911. Fee imposed

- 1. Imposition. A fee is imposed on the retail sale in this State of containers of consumer packaged pesticides in the amount of 20¢ per container. For purposes of this chapter, "consumer packaged pesticides" means pesticides packaged in suitable quantities for residential application intended for regular use and to be replaced frequently.
 - **2. Exemptions.** The following are exempt from subsection 1:
- A. A container of pesticides labeled "only for agricultural, industrial or commercial use";
 - B. A container of paint, stain or wood preservative bearing a federal Environmental Protection Agency pesticide product registration number; and
 - C. All containers of pesticides sold by a retail store of less than 7,000 square feet of interior and exterior retail space with no more than one other retail store with common ownership in the State.
 - 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. On a monthly basis the Treasurer of State shall credit all revenue derived from the fee imposed by this chapter to the Animal and Plant Disease and Insect Control Fund established under Title 7, section 2431.
 - 4. Optional participation. A retail store exempt under subsection 2, paragraph C may participate in the collection of the fee under subsection 1 by registering with the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3.
 - 5. Responsibilities of the Board of Pesticides Control. By January 1, 2015 and every April 1st thereafter, the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3, shall provide to a retail store required to collect the fee under subsection 1 and a retail store under subsection 4 a product code for every type of pesticide container that may be potentially sold by that store.

27 SUMMARY

This bill creates the Animal and Plant Disease and Insect Control Fund to pay for pest management and pesticide safety outreach and education and for operating costs relating to pesticide management and insect control of the University of Maine Cooperative Extension's animal and plant disease and insect control laboratory. The Animal and Plant Disease and Insect Control Fund is funded by a 20¢ fee on every container of consumer packaged pesticides, with some exceptions.