



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1770

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H.P. 1134

House of Representatives, April 25, 2023

**An Act to Improve Pesticides Sales and Use Data Collection and  
Accessibility by the State**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative OSHER of Orono.  
Cosponsored by Representatives: HOBBS of Wells, JACKSON of Oxford, JAUCH of  
Topsham, O'NEIL of Saco, SHAW of Auburn, Senator: INGWERSEN of York.

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

2 **Sec. 1. 7 MRSA §607, sub-§2, ¶B**, as enacted by PL 1975, c. 382, §3, is repealed  
3 and the following enacted in its place:

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

6 (1) The pounds of active ingredients per gallon of liquid formulations of the  
7 pesticide;

8 (2) The type of pesticide;

9 (3) The expected type of use of the pesticide described in a manner specified by  
10 the board; and

11 (4) Information on the pesticide product label that describes the acute toxicity of  
12 the formulated pesticide product or other toxicity data specified by the board;

13 **Sec. 2. 22 MRSA §1471-C, sub-§4-A** is enacted to read:

14 **4-A. Commercial agricultural producer.** "Commercial agricultural producer"  
15 means a person that produces an agricultural commodity primarily for sale.

16 **Sec. 3. 22 MRSA §1471-G**, as amended by PL 1983, c. 819, Pt. A, §50, is further  
17 amended by amending the section headnote to read:

18 **§1471-G. Reports; confidential information**

19 **Sec. 4. 22 MRSA §1471-G, sub-§3** is enacted to read:

20 **3. Confidential information.** Information provided to the board to fulfill reporting  
21 requirements under this chapter is public unless designated as confidential by the board in  
22 accordance with this subsection. A pesticide dealer, commercial applicator or commercial  
23 agricultural producer to whom the information belongs or pertains may request that the  
24 information it has provided be designated as confidential. The board may designate such  
25 information as confidential if the board determines the information contains proprietary  
26 information. For the purposes of this subsection, "proprietary information" means  
27 information that is a trade secret or production, commercial or financial information the  
28 disclosure of which would impair the competitive position of the person submitting the  
29 information and would make available information not otherwise publicly available.

30 **Sec. 5. 22 MRSA §1471-CC** is enacted to read:

31 **§1471-CC. Pesticide sales and use database**

32 **1. "Pesticide product dealer" defined.** As used in this section, unless the context  
33 otherwise indicates, "pesticide product dealer" means a person licensed to sell in this State  
34 pesticides, including, without limitation, general use pesticides, limited use pesticides and  
35 restricted use pesticides.

36 **2. Pesticide sales and use database.** The board, in consultation with the Department  
37 of Administrative and Financial Services, Office of Information Technology, shall develop  
38 and administer a comprehensive, online pesticide sales and use database for documenting  
39 and quantifying pesticide sales, distribution and application in the State by pesticide  
40 product dealers and certified applicators using information reported under section 1471-G.

1 **3. Pesticide product dealers.** Beginning January 1, 2024, a pesticide product dealer  
2 shall maintain a record of a sale or distribution of a pesticide as provided in subsection 5.  
3 Beginning February 15, 2024 and for every month thereafter, a pesticide product dealer  
4 shall submit to the board's online pesticide sales and use database developed pursuant to  
5 subsection 2 a report of all sales and distribution of pesticides made by the dealer for the  
6 preceding month.

7 **4. Certified applicators and commercial agricultural producers.** Beginning  
8 January 1, 2024, a certified applicator or commercial agricultural producer shall submit to  
9 the board's online pesticide sales and use database developed pursuant to subsection 2 a  
10 report of all record-keeping data required by subsection 5 no later than 90 days after the  
11 end of the calendar year in which the pesticides were applied.

12 **5. Records.** This subsection governs record keeping by pesticide products dealers,  
13 certified applicators and commercial agricultural producers.

14 A. A pesticide product dealer shall keep and maintain records of the sale and  
15 distribution of pesticides for monthly reporting purposes under subsection 3. These  
16 records must include the names of all licensed general use pesticide dealers to which  
17 pesticides were distributed, the names of the pesticides, the United States  
18 Environmental Protection Agency registration number and the quantity sold. For the  
19 purposes of this paragraph, "distributes" means sells, ships or delivers pesticides to a  
20 pesticide product dealer engaged in retail sales.

21 B. A certified applicator or commercial agricultural producer shall keep and maintain  
22 records of the purchase and use of pesticides for reporting purposes. These records  
23 must include the names of all pesticide product dealers from which pesticides were  
24 purchased, the address where the pesticides were applied, the names of the pesticides,  
25 the quantity purchased and applied, the date the pesticides were applied and the United  
26 States Environmental Protection Agency registration number.

27 C. These records must be kept for 2 years after the end of the calendar year in which  
28 they were recorded.

29 **6. Rules.** The board shall adopt rules to carry out the purposes of this section, including  
30 clarifying reporting requirements pursuant to subsection 5. Rules adopted pursuant to this  
31 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 6. 22 MRSA §1471-DD** is enacted to read:

33 **§1471-DD. Reports by board**

34 **1. Report regarding state policy.** Beginning in 2024, by January 15th annually, the  
35 board shall submit a report on developments and progress made to carry out the purposes  
36 of section 1471-X to the joint standing committees of the Legislature having jurisdiction  
37 over agriculture, conservation and forestry matters; health and human services matters;  
38 environment and natural resources matters; and innovation, development, economic  
39 advancement and business matters. The joint standing committees may report out  
40 legislation based on the report required pursuant to this subsection.

41 **2. Report regarding pesticide sales and use rates.** Beginning in 2024, by January  
42 15th annually, the board shall submit a report showing the trends in sales and uses of  
43 pesticides in this State to the joint standing committees of the Legislature having  
44 jurisdiction over agriculture, conservation and forestry matters; health and human services

1 matters; environment and natural resources matters; and innovation, development,  
2 economic advancement and business matters. The joint standing committees may report  
3 out legislation based on the report required pursuant to this subsection.

4 **Sec. 7. Report.** No later than December 6, 2023, the Department of Agriculture,  
5 Conservation and Forestry, Board of Pesticides Control, with input from the Department  
6 of Administrative and Financial Services, Office of Information Technology, shall submit  
7 a report to the Joint Standing Committee on Agriculture, Conservation and Forestry, the  
8 Joint Standing Committee on Health and Human Services, the Joint Standing Committee  
9 on Environment and Natural Resources and the Joint Standing Committee on Innovation,  
10 Development, Economic Advancement and Business on:

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

13 2. Recommendations for ensuring that information from pesticide product dealers,  
14 certified applicators and commercial agricultural producers is recorded in the database if a  
15 dealer, applicator or producer is unable to access the Internet.

16 The joint standing committees may report out legislation based upon the report under  
17 this section to the Second Regular Session of the 131st Legislature.

## 18 SUMMARY

19 This bill directs the Department of Agriculture, Conservation and Forestry, Board of  
20 Pesticides Control, in collaboration with the Department of Administrative and Financial  
21 Services, Office of Information Technology, to create and administer an online database of  
22 pesticide product dealers, certified applicators and commercial agricultural producers  
23 reporting the type and amount of pesticides sold, distributed or applied in the State and  
24 other information as required. The bill establishes record-keeping requirements for  
25 pesticide product dealers, certified applicators and commercial agricultural producers,  
26 similar to those in place for general use pesticide dealers. The bill specifies that information  
27 submitted to the board is public information but allows a pesticide dealer, commercial  
28 applicator or commercial agricultural producer to request that the board designate  
29 proprietary information as confidential. The bill also requires the board to report annually  
30 to the joint standing committees of the Legislature having jurisdiction over agriculture,  
31 conservation and forestry matters; health and human services matters; environment and  
32 natural resources matters; and innovation, development, economic advancement and  
33 business matters on the developments and progress made in carrying out the state policy of  
34 minimizing the use of pesticides and gives those committees authority to report out  
35 legislation related to the report.