

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 142 - L.D. 356

Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings

Sec. 1. Board of Pesticides Control to prohibit use of rodenticides.

Resolved: That the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall prohibit the use of rodenticides, including rodenticidal baits, in outdoor residential settings. A certified applicator as defined under the Maine Revised Statutes, Title 22, section 1471-C, subsection 4 is exempt from the prohibition under this section. The board shall submit a report with an update on the prohibition under this section to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2026. The joint standing committee may submit a bill to the Second Regular Session of the 132nd Legislature relating to the subject matter of the report.

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H.P. 1132 - L.D. 1697

**An Act to Increase Penalties to Deter Violations of the Laws Regarding
Improper Pesticide Use**

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

Sec. 1. 7 MRSA §616-A, sub-§2, ¶A, as repealed and replaced by PL 2003, c. 452, Pt. B, §6 and affected by Pt. X, §2, is amended to read:

A. A person may not violate this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A. This paragraph does not apply to a private applicator as defined in Title 22, section 1471-C, subsection 22 or a private applicator of general use pesticides as defined in Title 22, section 1471-C, subsection 22-A. Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,500 may be adjudged as follows.

(a) A fine of not more than \$10,000 may be adjudged except as provided in division (b).

(b) A fine of not more than \$50,000 may be adjudged for an unauthorized pesticide application in a case in which the preponderance of the evidence demonstrates that the person who violated this paragraph benefited substantially from the violation as determined by the board by routine technical rule as described in Title 5, chapter 375, subchapter 2-A. Clear and convincing evidence that only one person benefited substantially from an unauthorized pesticide application constitutes prima facie evidence that the person is responsible for the unauthorized pesticide application.

(2) A person who violates this paragraph and is subject to a fine under subparagraph (1), division (a) after having previously violated this paragraph and having been subject to a fine under subparagraph (1), division (a) within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 \$75,000 may be adjudged. A person who violates this paragraph and is subject to a fine under subparagraph (1), division (b) after having previously

violated this paragraph and having been subject to a fine under subparagraph (1), division (b) within the previous 4-year period commits a civil violation for which a fine of not more than \$150,000 may be adjudged.

Sec. 2. 7 MRSA §616-A, sub-§2, ¶B, as amended by PL 2011, c. 510, §1, is further amended to read:

B. A private applicator, as defined in Title 22, section 1471-C, subsection 22, and a private applicator of general use pesticides, as defined in Title 22, section 1471-C, subsection 22-A, may not violate this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A or a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 \$1,000 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 \$2,000 may be adjudged.

Sec. 3. Board of Pesticides Control to adopt rules. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall adopt routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;
2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;
3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and
4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.

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DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026

BOARD OF PESTICIDE CONTROL**Chapter 40: MAINE RESTRICTED AND LIMITED USE PESTICIDES**

SUMMARY: These regulations list the pesticides classified by the Board as restricted use or limited use and describe procedures governing their sale and use:

Section 1. RESTRICTED USE PESTICIDES

The products described under Section A and B below shall be classified as restricted use pesticides for the purposes of this chapter.

- A. All products classified for restricted use by the U.S. Environmental Protection Agency shall automatically be restricted use pesticides under this chapter.
- B. In addition, all products containing the following active ingredients and meeting the listed criteria shall be classified as restricted use pesticides in Maine:

arsenic compounds (above 2%)	fenthion (Baytex)
azinphos-methyl (Guthion)	fonophos (Dyfonate, above 15%)
<u>brodifacoum</u>	formetanate hydrochloride (Carzol)
<u>bromadiolone</u>	mercury compounds
chlorfenvinphos (4072)	methomyl (Lannate-all uses except bait formulations less than 2% methomyl)
daminozide	nicotine alkaloid (above 40% expressed as alkaloid)
dichlorvos (Vapona, DDVP, above 25%)	oxamyl (Vydate)
<u>difenacoum</u>	paraquat (above 0.2%)
<u>difethialone</u>	phosphorus (white and yellow)
**disulfoton (Disyston, above 1%)	strychnine
DNOC (Sinox, above 2%)	<u>tebuthiuron</u>
***EBDC fungicides (Maneb, Mancozeb	trichlorfon
Dithane, Polyram, Metiram, etc)	
except dry flowable and liquid formulations	
endosulfan (Thiodan, above 10%)	
endothall	
ethion (above 40%)	

**Granular formulations of 10% and above are restricted.

***All dusts and wettable powder formulations restricted, regardless of concentration.

- C. Restricted use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- D. Restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32.

Section 2. PROHIBITED AND LIMITED USE PESTICIDES

- A. All products containing the following active ingredients shall be classified as limited use pesticides in Maine:

Aldrin	Methyl Parathion (Microencapsulated forms only)
Chlordane	Sodium monofluoroacetate (Compound 1080)
Heptachlor	Toxaphene
Lindane	
- B. Limited use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- C. Limited use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32 and holding a permit from the Board as provided in subsections E and F below.
- D. An application to use any limited use pesticides shall be made to the Board in writing on such forms as may be provided by the Board. Applications shall include, at a minimum, the chemical to be used, the pest or pests which are the target of such chemical application, the vegetation to which it will be applied, the location and detailed description of the application site, and the amount of land to be covered by such application. When, in the opinion of the Board, any bona fide emergency prevents a written application to the Board, such application may be made orally to any member or employee of the Board. Failure of any applicator to exercise due diligence or to reasonably anticipate any situation which would create the need for the use of any limited use pesticide shall not be considered an emergency within the scope of this section.
- E. The Board may grant such applicant permission to use or apply any limited use pesticide if the Board determines that (1) the pesticide applicator is appropriately licensed, (2) an unusually heavy infestation of insects or other pests creates the prospect of a significant economic loss to the applicant or any other person or creates a public health hazard, (3) no suitable chemical, biological or other method is available to prevent or reduce the impact of such infestation to an acceptable level, (4) the use of such limited use pesticide will not create an undue risk to human life nor cause significant detrimental effects upon the environment, and (5) such use is in compliance with FIFRA and the rules and regulations promulgated thereunder. Permission to use such limited use pesticide may be granted upon such reasonable terms and conditions as the Board deems necessary to protect the health, safety and general welfare of the environment and the people of the State of Maine and to achieve the purpose of the statute. Permission to use any limited use pesticide during any bona fide emergency situation may be granted upon the oral consent of a majority of the Board given to the director or chairman of the Board or such other member of the Board who received the oral application. Such oral consent shall thereafter be confirmed in writing by such members to the director within ten (10) days.
- F. The outdoor use or application of benzene hexachloride (including lindane) for the purpose of controlling mosquitoes and other biting flies is hereby prohibited in the State of Maine on or after September 1, 1970.

STATUTORY AUTHORITY: Title 22 M.R.S.A., Chapter 258-A and 7 M.R.S.A., Chapter 103

EFFECTIVE DATE:

July 6, 1979

AMENDED:

December 8, 1985

June 22, 1986

May 8, 1988

June 14, 1989

June 20, 1989

December 24, 1991

March 28, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

CONVERTED TO MS WORD:

March 11, 2003

AMENDED:

April 30, 2007 – filing 2007-153

Corrections:

February, 2014 - agency names, formatting