

PROPOSED AMENDMENT TO LD 1505

Prepared for Representative Pickett, 5/10/17

LD 1505, An Act To Create Consistency in the Regulation of Pesticides

AMEND THE BILL TO READ AS FOLLOWS:

Sec. 1. 22 MRSA §1471-U is repealed.

[SAME AS LD]

Sec. 2. 22 MRSA §1471-CC is enacted to read:

[NEW LANGUAGE ADDED]

§1471-CC. Municipal ordinances

Prior to adoption of any ordinance that regulates the sale or use of pesticides, a municipality must obtain approval from the board. The clerk of the municipality shall submit a proposed ordinance to the board for review. The board shall review the proposed ordinance for compliance with existing state and federal laws, rules and regulations. Within 30 days after submission of the proposed ordinance by the municipality, the board shall complete its review and notify the clerk of the municipality regarding the board's approval or disapproval of the proposed ordinance. If the board disapproves a proposed ordinance submitted under this section, the board shall, upon request of the municipality, meet with representatives of the municipality to review and discuss the board's objections to the proposed ordinance and the board shall issue a final decision regarding approval or disapproval within 30 days of the municipality's request to meet.

Sec. 3. 30-A MRSA §3007, sub-§7 is enacted to read:

[AMENDED Sec 2 of LD, changes to printed LD in *bold italics*]

7. Restrictions on pesticide ordinances. A municipality may not adopt or enforce any ordinance ~~or rule~~ regulating the sale or use of pesticides, including without limitation ordinances relating to pesticide use limitations, registration, use notification, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal or product composition or the disclosure of confidential information related to pesticides, *unless the ordinance has been approved by the Board of Pesticide Control pursuant to Title 22, section 1471-CC.* An ordinance regulating the sale or use of pesticides adopted prior to the effective date of this subsection is void. As used in this subsection, "pesticide" has the same meaning as in Title 22, section 1471-C, subsection 19.

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 Consistency in the Regulation of Pesticides

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

Sec. 1. 22 MRSA §1471-U, as repealed and replaced by PL 1989, c. 93, §1, is repealed.

Sec. 2. 30-A MRSA §3007, sub-§7 is enacted to read:

7. Restrictions on pesticide ordinances. A municipality may not adopt or and enforce any ordinance or rule regulating the sale or use of pesticides, including without limitation ordinances relating to pesticide use limitations, registration, use notification, advertising and marketing, distribution, applicator training and certification, storage, transportation or disposal or product composition or the disclosure of confidential information related to of pesticides provided they conform to existing state and federal statutes and rules and reflect the state policy of integrated pest management. An ordinance regulating the sale or use of pesticides adopted prior to the effective date of this subsection is void. As used in this subsection, "pesticide" has the same meaning as in Title 22, section 1471-C, subsection 19.

SUMMARY

This bill prohibits a municipality from adopting or continuing to enforce any ordinance or rule regarding the sale or use of pesticides.

This amendment to LD 1505 replaces the bill

An Act To Create Consistency in the Regulation of Pesticides

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

Sec. 1. 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.

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.

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 is not filed with the board, with notice given to the board in accordance with this section, which is otherwise valid under the laws of this State, any provision that specifically applies to storage, distribution or use of pesticides shall be 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 applicability. A municipality may adopt an ordinance that applies to consumer pesticide use.

A. A municipal ordinance may specifically apply to pesticides, including without limitation ordinances relating to pesticide use limitations, permitting, registration, use notification, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal or product composition or the disclosure of confidential information related to pesticides in accordance with this subsection except the ordinance shall not be applicable to persons licensed or certified under § 1471-D.

SUMMARY

This bill affirms a municipality's ability to adopt an ordinance that applies to pesticides, except as applicable to professionals already licensed or certified by the Board of Pesticides Control.