

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 Establish a Revenue Source for the Maine Pesticide Education Fund**

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

**Sec. 1. 7 MRSA §2421**, as enacted by PL 2007, c. 302, §1, is amended to read:

### **§ 2421. Fund established**

The Maine Pesticide Education Fund, referred to in this chapter as "the fund," is established. The fund consists of any funds received as contributions from private and public sources and the pesticide education fee imposed pursuant to Title 36, section 4811. The fund, to be accounted within the department, 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 any fiscal year must be carried forward to the next fiscal year.

**Sec. 2. 36 MRSA c. 717-A** is enacted to read:

### **CHAPTER 717-A**

### **PESTICIDE EDUCATION FEE**

### **§ 4811. Pesticide education fee**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Consumer container of pesticides" means a container of pesticides intended for consumer use as defined by rule by the Board of Pesticides Control. The rules must exclude any container labeled for agricultural, industrial or commercial use only. The rules must also exclude any container of paint, stain or wood preservative bearing a federal Environmental Protection Agency pesticide product registration number.

B. "Pesticides" has the same meaning as in Title 22, section 1471-C.

**2. Imposition.** Beginning January 1, 2010, a fee of 15¢ is imposed on each consumer container of pesticides sold at retail in this State. The State Tax Assessor, in consultation with the Integrated Pest Management Council established in Title 7, section 2404 and the Board of Pesticides Control established in Title 22, chapter 258-A, shall establish by rule procedures to implement this section.

**3. Collection and payment.** The fee under subsection 2 must be collected by a retail seller at the time of sale and paid to the State Tax Assessor, in accordance with rules established by the State Tax Assessor, at the same time as sales taxes are reported and paid pursuant to chapter 219.

**4. Proceeds.** The State Tax Assessor shall annually account for the cost of implementing this section and may deduct that amount from gross collections under this section and apply that amount to reimburse the State Tax Assessor. The State Tax Assessor shall, on a quarterly basis, provide the net amount of collections under this section to the Maine Pesticide Education Fund established under Title 7, chapter 415.

**5. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill establishes a 15¢ per container fee on the retail sale of pesticides. The proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to fund the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs.