

## 126th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2014**

**Legislative Document** 

No. 1587

H.P. 1158

House of Representatives, December 30, 2013

#### An Act To Temporarily Ban the Use of Neonicotinoid Pesticides

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millient M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative JONES of Freedom. Cosponsored by Representatives: DEVIN of Newcastle, DORNEY of Norridgewock, KUSIAK of Fairfield, MORRISON of South Portland.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 7 MRSA §606, sub-§3 is enacted to read:
3	3. Neonicotinoid pesticides; moratorium. During the period from July 15, 2014 to
4	July 15, 2016, a person may not use, sell or distribute a neonicotinoid pesticide. As used
5	in this subsection, "neonicotinoid pesticide" means a pesticide containing imidacloprid,
6	clothianidin, thiamethoxam, dinotefuran, acetamiprid or thiacloprid.
7	This subsection is repealed July 16, 2016.
8	Sec. 2. Study. The joint standing committee of the Legislature having jurisdiction
9	over agricultural matters shall review the use and effects of neonicotinoid pesticides and
10	may report out a bill related to the subject matter of the review to the First Regular
11	Session of the 127th Legislature.
12	SUMMARY
13	This bill bans the use, sale and distribution of neonicotinoid pesticides for 2 years. It
14	also directs the joint standing committee of the Legislature having jurisdiction over
15	agricultural matters to review the use and effects of neonicotinoid pesticides.



# 126th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2014**

**Legislative Document** 

No. 1678

H.P. 1201

House of Representatives, December 30, 2013

#### **An Act To Protect Maine's Lobster Fishery**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millient M. Macfaland MILLICENT M. MacFARLAND

Clerk

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator JOHNSON of Lincoln and

Representatives: DEVIN of Newcastle, KRUGER of Thomaston, RYKERSON of Kittery,

Senator: VITELLI of Sagadahoc.

1 2	<b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4	Whereas, scientific data show the adverse effects of methoprene and resmethrin on the lobster populations in Long Island Sound in Connecticut; and
5 6 7	Whereas, in order to prevent similar adverse effects on the lobster population of this State, the introduction of methoprene and resmethrin into the Gulf of Maine must be prohibited as soon as possible; and
8 9 10 11	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
12	Be it enacted by the People of the State of Maine as follows:
13	Sec. 1. 22 MRSA §1471-CC is enacted to read:
14	§1471-CC. Restricted use of methoprene or resmethrin
15 16	The use of methoprene or resmethrin is prohibited in any body of water that drains into the Gulf of Maine or on land from which runoff could enter into any such waterway.
17 18	<b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved.
19	SUMMARY
20 21 22	This bill prohibits the use of methoprene or resmethrin, 2 chemicals used for mosquito control, in any body of water that drains into the Gulf of Maine or on land from which runoff could enter into any such waterway.



# 126th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2014**

**Legislative Document** 

No. 1674

S.P. 641

In Senate, January 8, 2014

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

DAREK M. GRANT Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Representative DILL of Old Town and

Senators: BOYLE of Cumberland, JACKSON of Aroostook, VITELLI of Sagadahoc,

Representatives: CRAY of Palmyra, GATTINE of Westbrook, McCABE of Skowhegan,

ROCHELO of Biddeford, WILLETTE of Mapleton.

1 2	<b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4	Whereas, the people of Maine voted in support of access for patients to legal and safe medical marijuana in both 1999 and 2009; and
5 6 7 8	<b>Whereas,</b> the First Regular Session of the 126th Legislature enacted a law to restrict the use of pesticides in the cultivation of marijuana to those exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and
9 10	<b>Whereas,</b> the effect of this law has been to severely restrict the options available to persons cultivating marijuana for medical purposes; and
11 12 13	Whereas, immediate enactment of this Act is necessary to ensure continued access to safe medical marijuana for the thousands of Maine patients currently recommended this medicine; and
14 15 16 17	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
18	Be it enacted by the People of the State of Maine as follows:
19 20	<b>Sec. 1. 22 MRSA §2423-A, sub-§2,</b> ¶ <b>J,</b> as reallocated by RR 2013, c. 1, §39, is repealed and the following enacted in its place:
21 22	J. Use a pesticide in the cultivation of marijuana. The following pesticides are the only pesticides allowed for use in the cultivation of marijuana:
23 24 25 26	(1) A pesticide that is exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b) and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607;
27	(2) Spinosad;
	(2) Spinosad,
28	(3) Pyrethrins;
28 29	
	(3) Pyrethrins;
29	(3) Pyrethrins; (4) Azadirachta indica;
29 30	<ul><li>(3) Pyrethrins;</li><li>(4) Azadirachta indica;</li><li>(5) Potassium bicarbonate;</li></ul>
29 30 31	<ul><li>(3) Pyrethrins;</li><li>(4) Azadirachta indica;</li><li>(5) Potassium bicarbonate;</li><li>(6) Sodium bicarbonate;</li></ul>
29 30 31 32	<ul> <li>(3) Pyrethrins;</li> <li>(4) Azadirachta indica;</li> <li>(5) Potassium bicarbonate;</li> <li>(6) Sodium bicarbonate;</li> <li>(7) Diatomaceous earth;</li> </ul>

1	(11) Bacillus thuringiensis;
2	(12) Bacillus subtilis;
3	(13) Streptomyces lydicus;
4	(14) Sesame oil; and
5	(15) Bacillus pumilus.
6 7	All pesticides must be used in a manner consistent with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. A
8	registered primary caregiver may not in the cultivation of marijuana use a pesticide
9 10	unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any
11	employee who has direct contact with treated plants has completed safety training
12	pursuant to 40 Code of Federal Regulations, Part 170.130. An employee of the
13	registered primary caregiver who is not certified pursuant to section 1471-D and who
14	is involved in the application of the pesticide or handling of the pesticide or
15 16	equipment must first complete safety training pursuant to 40 Code of Federal Regulations, Part 170.230; and
17 18	Sec. 2. 22 MRSA §2428, sub-§9, ¶G, as enacted by PL 2013, c. 371, §4, is repealed and the following enacted in its place:
19 20	G. The following pesticides are the only pesticides allowed for use in the cultivation of marijuana by a registered dispensary:
21 22 23 24	(1) A pesticide that is exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b) and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607;
25	(2) Spinosad;
26	(3) Pyrethrins;
27	(4) Azadirachta indica;
28	(5) Potassium bicarbonate;
29	(6) Sodium bicarbonate;
30	(7) Diatomaceous earth;
31	(8) Soap:
32	(9) Dihydrogen dioxide;
33	(10) Sulfur;
34	(11) Bacillus thuringiensis;
35	(12) Bacillus subtilis;
36	(13) Streptomyces lydicus;
37	(14) Sesame oil; and

#### (15) Bacillus pumilus.

All pesticides must be used in a manner consistent with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana use a pesticide unless at least one registered dispensary employee involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary employees who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Part 170.130. A registered dispensary employee who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training pursuant to 40 Code of Federal Regulations, Part 170.230.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

14 SUMMARY

Public Law 2013, chapter 371 prohibited the use of a pesticide in the cultivation of medical marijuana unless the pesticide is exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. This bill expands the list of pesticides that may be used by a registered primary caregiver or registered dispensary to include other specified pesticides, even if those additional pesticides are not exempt from federal registration requirements or registered with the Board of Pesticides Control.