



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

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JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

To: Board Members  
From: Staff  
Re: Review of Rulemaking Concepts  
Date: July 18, 2025

In 2025, several bills were passed in the 132<sup>nd</sup> Maine Legislature that will require the Board to complete rulemaking. At the February 24, 2023 Board meeting, board members discussed several rulemaking initiatives but ultimately decided to wait until a later date to complete housekeeping items. Given other urgent rulemaking requests, staff need guidance on when and how the Board would like to address these potential rulemaking changes. The potential rulemaking are categorized by the following criteria:

Housekeeping	Fairly minor and should require very little discussion.
Incorporate Policy	Will require some discussion on whether and how to incorporate the policy in rule but the objective is already written in policy.
Requires Discussion	Questions have been raised and a decision needs to be made on whether the rule needs to be amended. These will probably take the most time.
Legislative	Recently passed legislature has asked the Board to review its rules related to this topic.

The fourth column designates type of rulemaking (see Title 7 Section 610(6)):

RT	Routine Technical
MS	Major Substantive

The first column corresponds to the rulemaking item number.  
The second column details the actionable item.  
The third column provides a purpose for the rulemaking.  
The fourth column provides a detailed description of the potential rulemaking concept.

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A complete list of possible rulemaking chapters to include 10, 31, 40, 41.

1	Chapter 10	<p>The Board expressed interest in defining “residential landscapes” in previous rulemaking initiatives. This would help clarify rules in Chapter 41, Section 6 related to neonicotinoid use, as well as new rules for rodenticides related to LD 356. See memo: Summary of potential “residential landscapes” rulemaking concepts for CMR 01-26 Chapter 10: Definitions</p> <ul style="list-style-type: none"> <li>• Define “Residential Landscapes”</li> </ul>	Housekeeping	RT
2	Chapter 31 section 2 (XI) and section 3 (XI) Chapter 32 section 2 (B)(5)(c)	Staff have identified questions about UAVs that apply pesticides. The board may want to add rules for drones that apply pesticides and requiring FAA certification for both commercial (chapter 31) and private (chapter 32) applicators.	Requires Discussion	RT
3	Chapter 40, Section 1	<p>LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use, Section 3, includes a provision for the Board to adopt rules to designate pesticides with the active ingredient tebuthiuron as state restricted use.</p> <p>This is also the section for if the Board determines they would like to restrict all uses of rodenticides and rodenticidal baits (PL 2025 c. 47, 132<sup>nd</sup> legislature LD 356).</p>	Legislative	RT
4	Chapter 40, Sections 1 & 2	Many of the listed active ingredients in the restricted use and limited use categories have been phased out or prohibited by the EPA. Removing these active ingredients could help clarify that they are not currently available for use.	Housekeeping	RT
5	Chapter 41, Section 8 (new)	LD 356: Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings (PL 2025 c. 47) asks the Board to review its rules related to outdoor	Legislative	RT

		residential use of rodenticidal baits and to prohibit use in those settings. This goal may be accomplished by restricting the use and adding additional provisions into Chapter 41: Special Restrictions on Pesticide Use or by making all uses of rodenticides restricted/limited use in Chapter 40: Maine Restricted Use and Limited Use Pesticides.		
6	Chapter 41, Section 9 (new)	<p>A Board member proposed adding requirements when using rodenticidal baits to include traps or ways to reduce non-target poisonings.</p> <ul style="list-style-type: none"> <li>• Possibly adding Section 8, Rodenticidal Baits and including language to require applicators to use ‘repeating’ traps with baits to contain poisoned animals.</li> </ul>	Requires Discussion	RT