

**STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE**

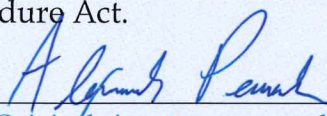
**Rulemaking Cover Sheet**

1. **Agency:** Department of Agriculture, Conservation and Forestry, Board of Pesticides Control
2. **Agency Umbrella Number and Unit Number:** 01
3. **Chapter Number and Rule Title:** Chapter 40: Restricted and Limited Use Pesticides
4. **Date(s)/Method(s) of Notice:** February 4, 2026/SOS posting, newspaper notice, GovDelivery circulation, and website posting: <https://www.maine.gov/dacf/php/pesticides/rulemaking.html>
5. **Date(s)/Location(s) of Hearing(s):** February 27, 2026/90 Blossom Lane, Deering Bldg, Augusta ME 04333 and Hybrid via teams: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ODc4ZjJhNmYtNTliMi00N2NmLWFiNTgtZmFjYjg5NjdiYWE5%40thread.v2/0?context=%7b%22Ti d%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22f26041b2-50e2-4187-af63-797fb54fe1fa%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODc4ZjJhNmYtNTliMi00N2NmLWFiNTgtZmFjYjg5NjdiYWE5%40thread.v2/0?context=%7b%22Ti d%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22f26041b2-50e2-4187-af63-797fb54fe1fa%22%7d)
6. **Rule Action:** Amendment of Existing Rule
- 6A. **Is this an emergency rule?:** No
7. **Name, Mailing Address, Telephone Number, and Email Address of Agency Contact Person:**  
Alexander Peacock  
6 SHS, Augusta, ME 04333  
207 441 4193  
[alexander.r.peacock@maine.gov](mailto:alexander.r.peacock@maine.gov)
8. **If a major substantive rule under Title 5, c. 375, sub-c. 2-A, choose one of the following:** Choose an item.

**CERTIFICATION STATEMENT**

I hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by the *Board of Pesticides Control* on *06/05/2026*.

I further certify that all portions of this rule are adopted in compliance with the requirements of the Maine Administrative Procedure Act.

**Signature:**  6/5/2026  
*(Original signature, personally signed by the head of agency)*

**Printed Name and Title:** Alexander Peacock, Director

**DEPARTMENT OF THE ATTORNEY GENERAL APPROVAL AS TO FORM AND LEGALITY**

Approved as to form and legality by the Department of the Attorney General on *06/05/2026*.

**Signature:** \_\_\_\_\_  
*(Original signature, personally signed by Assistant Attorney General)*

**Printed Name:** Carey Gustanski  
Assistant Attorney General

# **Rulemaking Statement of Impact on Small Business**

## **5 MRSA §8052, sub-§5-A**

### **Agency**

Department of Agriculture, Conservation and Forestry—Maine Board of Pesticides Control

### **Chapter Number and Title of Rule**

CMR 01-026, Chapter 40

### **Identification of the Types and an Estimate of the Number of the Small Businesses Subject to the Proposed Rule**

Currently, 444 active individuals have a commercial pesticide applicator license with the general structural pest control category (7A) in Maine. This is the category required for individuals who provide rodent control in and around structures. They will all be affected by this amendment:

1. To use any of the restricted materials, individuals must hold a valid commercial pesticide applicator's license through the board. This may require some applicators to seek additional licensure as demand for these services increases.
2. Any non-licensed individual will not be able to procure these materials without a commercial pesticide applicator's license. Individuals seeking rodent control must use other rodenticides not on the restricted-use list or hire a commercial pesticide applicator to complete the service.

### **Brief Statement of the Probable Impact on Affected Small Businesses**

The amendments to this chapter will require that the active ingredients listed are only sold in certified restricted-use pesticide dealer locations and require proof of a commercial pesticide license upon purchase. This may increase some of the revenue for some of the 49 restricted-use pesticide dealers in Maine, and the costs of these products may also fluctuate for any spray contracting firms that are required to use these dealerships for purchase.

### **Description of Any Less Intrusive or Less Costly, Reasonable Alternative Methods of Achieving the Purposes of the Proposed Rule**

The Board could request applicators provide additional education and outreach to homeowners and citizens about the risks associated with using these materials, but this may not satisfy the 132<sup>nd</sup> legislature's directive. The Board could also incorporate IPM use into policy, requiring that applicators use less potent materials before providing services. Any policy that the Board implements is non-enforceable.

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

**Rulemaking Fact Sheet**

(see 5 M.R.S. § 8057-A(1))

**Agency:** Department of Agriculture, Conservation and Forestry, Board of Pesticides Control  
**Name, Address, Telephone Number, and Email Address of Agency Contact Person:**

Alexander Peacock

207 441 4193

[Alexander.R.Peacock@maine.gov](mailto:Alexander.R.Peacock@maine.gov)

6 SHS, Augusta, ME 04333

**Chapter Number and Rule Title:** CMR01-026 Chapter 40: Restricted and Limited Use Pesticides

**Type of Rule:** Routine Technical

**Statutory Authority:** 7 M.R.S.A § 610

**Public Hearing(s)** *(include day, date, time, and location)*: February 27, 2026

**Comment Deadline(s)** *(include day, date, and time)*: March 9, 2026

**Principal Reason(s) or Purpose for Proposing this Rule** [see 5 M.R.S. § 8057-A(1)(A)]:

In 2025, the 132nd legislature passed LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use (PL 2025 c.292). In addition to increasing penalties for violations of pesticide sale and use, this bill also directed the Board to make the pesticide active ingredient, tebuthiuron, restricted use. Additionally, the 132nd legislature passed LD 356: Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings (RESLV 2025 c. 47), which required the Board to review its rules related to the use of rodenticides in outdoor residential settings. As a part of this resolve, the Board is proposing rulemaking to restrict the use of the second-generation anticoagulant rodenticides. This rulemaking is intended to satisfy these legislative actions.

**Is Material Incorporated by Reference into the Rule** [see 5 M.R.S. § 8056(2-A)]? No

**Analysis and Expected Operation of the Rule** [see 5 M.R.S. § 8057-A(1)(B) & (D)]:

Pesticide products with these five active ingredients will no longer be available for use to non-licensed individuals. Only restricted-use dealers will be able to sell restricted materials, and only individuals with pesticide certification will be able to purchase and use these products.

**Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)**[see 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]:

The Board discussed at several meetings what measures could be taken to satisfy the legislative requests and resolve issues related to rodenticides. They invited stakeholders, including company representatives, Maine applicators, and advocacy groups to discuss potential rulemaking options. After several meetings of discussion, the Board ultimately decided to restrict the use of the most potent rodenticide products. This decision changes the rules so that only licensed dealers may sell these products and only licensed applicators can purchase and use them.

**Estimated Fiscal Impact of the Rule** [see 5 M.R.S. § 8057-A(1)(C)]:

This rule does not impact small businesses or applicators that are already licensed, but it does require that unlicensed individuals to either hire for services or use alternative products that may be less effective. Any dealer that does not hold a restricted-use license will also be impacted if they carry any of these products. Dealers will need to either procure a restricted-use dealer's license or return the products to the manufacturer.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

**Economic Impact, Whether or Not Quantifiable in Monetary Terms** [*see* 5 M.R.S. § 8057-A(2)(A)]:

Click or tap here to enter text.

**Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected** [*see* 5 M.R.S. § 8057-A(2)(B)]:

Click or tap here to enter text.

**Benefits of the Rule** [*see* 5 M.R.S. § 8057-A(2)(C)]:

Click or tap here to enter text.

*Note: If necessary, additional pages may be used.*

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

**Notice of Agency Rulemaking Adoption**

**AGENCY:** Department of Agriculture, Conservation and Forestry, Board of Pesticides Control  
**CHAPTER NUMBER AND RULE TITLE:** CMR 01-026 Chapter 40: Maine Restricted and Limited Use Pesticides  
**ADOPTION FILING NUMBER:** [Leave Blank - Assigned by the Department of the Secretary of State]

**CONCISE SUMMARY:**

The Board has initiated rulemaking pursuant to recently passed laws by the 132<sup>nd</sup> legislature. These include LD 1697 (PL 2025 c. 292), which requires the Board to make the chemical tebuthiuron restricted use and LD 356 (RESLV 2025 c. 47), which requires the Board to make certain rodenticides prohibited unless used by a commercial applicator. The proposed changes to rules should satisfy these two legislative mandates.

**EFFECTIVE DATE:** [Leave Blank -- To Be Filled in by the Department of the Secretary of State]

**AGENCY CONTACT PERSON:**

Name: Alexander Peacock  
Agency Name: Board of Pesticides Control  
Mailing Address: 6 SHS, Augusta, ME 04333  
Telephone Number: 207 441 4193  
Email Address: [Alexander.R.Peacock@maine.gov](mailto:Alexander.R.Peacock@maine.gov)

**STATE OF MAINE**  
**DEPARTMENT OF THE SECRETARY OF STATE**

**Maine Administrative Procedure Act Checklist**

**Agency: Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**  
**Chapter Number and Rule Title: 40: Restricted and Limited Use Pesticides**

**Proposed Rule**

1. Was this rule listed on the most recent regulatory agenda? Yes
2. Date of notification of: February 4, 2026
  - A. Anyone on mailing list February 6, 2026
  - B. Any trade, industry or professional group February 6, 2026
  - C. Any trade publications February 6, 2026
3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: January 29, 2026
4. Date Rulemaking Fact Sheet sent to Executive Director of Legislative Council: January 29, 2026
5. Date of publication in Secretary of State's rulemaking ad.: February 4, 2026
6. Date(s) of hearing(s): February 27, 2026  
Click or tap here to enter text.
7. Comment deadline(s): March 9, 2026  
Click or tap here to enter text.

**Adopted Rule**

8. Was the comment deadline extended or the comment period reopened? No
  - A. If yes, date of second notice publication in Secretary of State's rulemaking ad: Click or tap here to enter text.
9. Is adopted rule consistent with what was proposed? Yes  
(If not, please address the changes in the comments and responses section of your filing.)
10. Is the person signing the Certification Statement (*see* MAPA-1) authorized to do so as stated in your statutes or in 5 M.R.S., c. 71? Yes
11. Was the rule adopted within 120 days after the comment deadline? Yes
12. Was the rule approved and signed by the Office of the Attorney General within 150 days after the comment deadline? Yes
13. Is a Basis Statement included? Yes  
Is a copy of the Fact Sheet included? Yes  
Are comments, with names and organizations, and your responses included? Yes

Revised 12/18/2025

## **BASIS STATEMENT FOR ADOPTION OF CMR 01-026, CHAPTER 40**

### **Basis Statement**

#### Chapter 40: Restricted and Limited Use Pesticides

1. Designates any products that include tebuthiuron as an active ingredient as a restricted-use pesticide in Maine
2. Designates any products that include brodifacoum, bromadiolone, difenacoum, and difethialone as active ingredients as restricted-use pesticides in Maine

In 2025, the 132nd legislature passed LD 1697: An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use ([PL 2025 c.292](#)). In addition to increasing penalties for violations of pesticide sale and use, this bill also directed the Board to make the pesticide active ingredient, tebuthiuron, restricted use. Additionally, the 132nd legislature passed LD 356: Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings (RESLV 2025 c. 47), which required the Board to review its rules related to the use of rodenticides in outdoor residential settings. As a part of this resolve, the Board is proposing rulemaking to restrict the use of the second-generation anticoagulant rodenticides. These include brodifacoum, bromadiolone, difenacoum, and difethialone. These active ingredients are in a class of chemicals called “second-generation anticoagulant rodenticides” or SGARS, and are more potent materials that require fewer feedings to be effective, which also may indicate an increased risk for secondary exposures by non-target organisms. Restricting these active ingredients will require that only certified pesticide applicators may use these materials and only licensed restricted use pesticide dealers may sell these materials in Maine. The proposed rulemaking aims to satisfy the provisions laid out in both bills.

### **Impact on Small Business**

In accordance with 5 MRS §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the Maine Board of Pesticides Control office, State House Station #28, Augusta, Maine 04333-0028, telephone 207-287-2731.

**01 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 fomulations less than 2%
daminozide	methomyl)
dichlorvos (Vapona, DDVP, above 25%)	nicotine alkaloid (above 40% expressed as alkaloid)
<u>difenacoum</u>	oxamyl (Vydate)
<u>difethialone</u>	paraquat (above 0.2%)
**disulfoton (Disyston, above 1%)	phosphorus (white and yellow)
DNOC (Sinox, above 2%)	strychnine
***EBDC fungicides (Maneb, Mancozeb)	<u>tebuthiuron</u>
Dithane, Polyram, Metiram, etc)	trichlorfon
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      |
| Chlordane  | forms only)                              |
| Heptachlor | Sodium monofluoroacetate (Compound 1080) |
| Lindane    | Toxaphene                                |
- 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

**01 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%)
brodifacoum	formetanate hydrochloride (Carzol)
bromadiolone	mercury compounds
chlorfenvinphos (4072)	methomyl (Lannate-all uses except bait fomulations less than 2%
daminozide	methomyl)
dichlorvos (Vapona, DDVP, above 25%)	nicotine alkaloid (above 40% expressed as alkaloid)
difenacoum	oxamyl (Vydate)
difethialone	paraquat (above 0.2%)
**disulfoton (Disyston, above 1%)	phosphorus (white and yellow)
DNOC (Sinox, above 2%)	strychnine
***EBDC fungicides (Maneb, Mancozeb	tebuthiuron
Dithane, Polyram, Metiram, etc)	trichlorfon
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
Chlordane	forms only)
Heptachlor	Sodium monofluoroacetate (Compound 1080)
Lindane	Toxaphene

- 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