



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 356

S.P. 142

In Senate, February 3, 2025

An Act to Require Notification of Certain Outdoor Pesticide Applications

(EMERGENCY)

Received by the Secretary of the Senate on January 30, 2025. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

Cosponsored by Senator: GROHOSKI of Hancock, Representatives: BELL of Yarmouth, CIMINO of Bridgton, DOUDERA of Camden, EDER of Waterboro, MILLIKEN of Blue Hill.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Department of Agriculture, Conservation and Forestry, Board of
4 Pesticides Control establishes procedures and standards for informing interested members
5 of the public about outdoor pesticide applications in their vicinity; and

6 **Whereas,** the purpose of these procedures and standards is to safeguard the health and
7 welfare of the residents of this State; and

8 **Whereas,** this legislation must take effect before the expiration of the 90-day period
9 because this legislation amends those procedures and standards; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 7 MRSA §604, sub-§25-B** is enacted to read:

16 **25-B. Pet.** "Pet" has the same meaning as in section 712, subsection 16.

17 **Sec. 2. 7 MRSA §606, sub-§2, ¶D,** as amended by PL 2005, c. 620, §5, is further
18 amended to read:

19 D. Handle, transport, store, display or distribute pesticides in such a manner as to
20 endanger human beings or their pets or their environment or to endanger food, feed or
21 any other products that may be transported, stored, displayed or distributed with such
22 pesticides;

23 **Sec. 3. 7 MRSA §606, sub-§2, ¶E,** as amended by PL 2005, c. 620, §5, is further
24 amended to read:

25 E. Dispose of, discard or store any pesticides or pesticide containers in such a manner
26 as may cause injury to humans, vegetation, crops, livestock or pets, wildlife or
27 beneficial insects or pollute any water supply or waterway;

28 **Sec. 4. 7 MRSA §606, sub-§4** is enacted to read:

29 **4. Unlawful use without proper notification.** A person may not use any pesticide
30 outdoors within 500 feet of a property owned by another person unless the person provides
31 written notification to the owner, lessee or other legal occupant of the property of the intent
32 to apply pesticides at least 7 days prior to the pesticide application. This subsection does
33 not apply to aerial applicators as defined by the board by rule. The department shall adopt
34 rules governing notification requirements. Rules adopted under this subsection are routine
35 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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Date:

(Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 142, L.D. 356, “An Act to Require Notification of Certain Outdoor Pesticide Applications”

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Board of Pesticides Control to Prohibit the Use of Rodenticides in Outdoor Residential Settings'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Board of Pesticides Control to prohibit use of rodenticides.

Resolved: That the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall prohibit the use of rodenticides, including rodenticidal baits, in outdoor residential settings. A certified applicator as defined under the Maine Revised Statutes, Title 22, section 1471-C, subsection 4 is exempt from the prohibition under this section. The board shall submit a report with an update on the prohibition under this section to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2026. The joint standing committee may submit a bill to the Second Regular Session of the 132nd Legislature relating to the subject matter of the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill with a resolve and removes the emergency preamble and emergency clause. The resolve requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to prohibit the use of rodenticides, including rodenticidal baits, in outdoor residential settings. A person who is certified by the board pursuant to the Maine Revised Statutes, Title 22, section 1471-D and authorized to use or supervise the use of any pesticides is exempt from the prohibition on the use of rodenticides in outdoor residential settings. The amendment requires the board to submit a report with an update on the prohibition on the use of rodenticides in outdoor residential settings to the

COMMITTEE AMENDMENT “ ” to S.P. 142, L.D. 356

1 Joint Standing Committee on Agriculture, Conservation and Forestry no later than January
2 15, 2026.

3 **FISCAL NOTE REQUIRED**
4 **(See attached)**



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1323

H.P. 858

House of Representatives, March 27, 2025

An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator INGWERSEN of York and
Representatives: CLUCHEY of Bowdoinham, FROST of Belgrade, GRAMLICH of Old
Orchard Beach, HEPLER of Woolwich, PLUECKER of Warren, SINCLAIR of Bath,
Senators: TALBOT ROSS of Cumberland, TEPLER of Sagadahoc.

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

2 Sec. 1. 7 MRSA c. 103, sub-c. 11-B is enacted to read:

3 **SUBCHAPTER 11-B**

4 **NEONICOTINOID PESTICIDES**

5 **§1061. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Agricultural emergency.** "Agricultural emergency" means an occurrence of any
9 pest that presents an imminent risk of significant harm or injury to or loss of agricultural
10 crops.

11 **2. Bloom.** "Bloom" means the period from the onset of flowering for a plant or the
12 process of flowering of a plant until petal fall is complete.

13 **3. Crop group.** "Crop group" means the groupings of agricultural commodities
14 specified in 40 Code of Federal Regulations, Section 180.41 (2023).

15 **4. Environmental emergency.** "Environmental emergency" means an occurrence of
16 any pest that presents a significant risk of harm or injury to the environment or significant
17 harm or injury to or loss of agricultural crops, including any exotic or foreign pest that may
18 need preventive quarantine measures to avert or prevent that risk, as determined by the
19 commissioner.

20 **5. Neonicotinoid pesticide.** "Neonicotinoid pesticide" means any pesticide containing
21 a chemical belonging to the neonicotinoid class of chemicals, including imidacloprid,
22 nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, thiamethoxam and any other
23 chemical designated by the commissioner by rule as belonging to the neonicotinoid class
24 of chemicals.

25 **6. Neonicotinoid-treated seed.** "Neonicotinoid-treated seed" means a treated seed
26 that is treated or coated with a neonicotinoid pesticide.

27 **7. Ornamental plants.** "Ornamental plants" means perennial, annual, biennial and
28 ground cover plants purposefully planted for aesthetic reasons.

29 **§1062. Prohibited; application of neonicotinoid pesticides**

30 **1. Prohibited application.** The following uses of neonicotinoid pesticides are
31 prohibited:

32 A. Outdoor application to any crop during bloom;

33 B. Outdoor application to soybeans or any crop in the cereal grains crop group;

34 C. Outdoor application of neonicotinoid pesticides to crops harvested after bloom in
35 the leafy vegetables; brassica; bulb vegetables; herbs and spices; and stalk, stem and
36 leaf petiole vegetable crop groups; and

37 D. Application to ornamental plants.

1 **2. Exemptions.** The commissioner, after consultation with the Commissioner of
2 Environmental Protection, may waive the requirements of this section and issue a written
3 exemption order if the commissioner determines that:

4 A. A valid environmental emergency or agricultural emergency exists;

5 B. The neonicotinoid pesticide would be effective in addressing the environmental
6 emergency or the agricultural emergency under paragraph A; and

7 C. A less harmful pesticide that is not a neonicotinoid pesticide or pest management
8 practice would not be as effective in addressing the environmental emergency or the
9 agricultural emergency under paragraph A.

10 **3. Written exemption order contents.** A written exemption order issued under
11 subsection 2:

12 A. May not be valid for a period of more than one year;

13 B. Must specify the neonicotinoid pesticides, uses and crops or plants to which the
14 exemption order applies; the date on which the exemption order takes effect; the
15 exemption order's duration; and the exemption order's geographic scope, which may
16 include specific farms, fields or properties; and

17 C. Must provide a detailed evaluation supporting a determination that an
18 environmental emergency or agricultural emergency exists.

19 **4. Written exemption order restrictions.** A written exemption order issued under
20 subsection 2 may establish restrictions on the use of neonicotinoid pesticides to which the
21 exemption order applies to minimize harm to pollinator populations, bird populations,
22 ecosystem health and public health or that the commissioner considers necessary.

23 **5. Rescission.** The commissioner, after consultation with the Commissioner of
24 Environmental Protection, may rescind a written exemption order issued under subsection
25 2 at any time. A rescission may not go into effect until at least 15 days after the issuance
26 of the written exemption order.

27 **§1063. Prohibition on the use and sale of neonicotinoid-treated seeds**

28 **1. Prohibition.** A person may not sell, offer for sale or use, distribute or use any
29 neonicotinoid-treated seed for soybeans or for any crop in the cereal grains crop group.

30 **2. Exemptions.** The commissioner, after consultation with the Commissioner of
31 Environmental Protection, may waive the requirements of this section and issue a written
32 exemption order only if:

33 A. The person seeking the exemption order:

34 (1) Completes integrated pest management training, provided by the commissioner
35 or an approved 3rd party;

36 (2) Completes a pest risk assessment and submits a pest risk assessment report to
37 the commissioner; and

38 (3) Maintains current records of the pest risk assessment report under subparagraph
39 (2) and records of when neonicotinoid-treated seeds are planted, both of which are
40 subject to review upon request by the commissioner; and

B. Any neonicotinoid-treated seeds authorized for use under the exemption order are planted only on the property or properties identified in the pest risk assessment report under paragraph A, subparagraph (2).

3. Written exemption order contents. A written exemption order issued under subsection 2:

A. May not be valid for a period of more than one year; and

B. Must specify the types of neonicotinoid-treated seeds to which the exemption order applies, the date on which the exemption order takes effect and the exemption order's duration.

4. Written exemption order restrictions. A written exemption order issued under subsection 2 may establish restrictions to the use of neonicotinoid-treated seeds to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health and public health or that the commissioner considers necessary.

5. Rescission. The commissioner, after consultation with the Commissioner of Environmental Protection, may rescind a written exemption order issued under subsection 2 at any time. A rescission may not go into effect until at least 30 days after the issuance of the written exemption order and may not apply to neonicotinoid-treated seeds planted or sown prior to the effective date of the rescission.

§1064. Report

Upon issuing a written exemption order under section 1062 or 1063, the commissioner shall submit a copy of the exemption order to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.

§1065. Rulemaking

The department may adopt rules as necessary for the purposes of implementing and enforcing this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Effective date. This Act takes effect January 1, 2026.

SUMMARY

This bill prohibits certain applications of neonicotinoid pesticides and prohibits the use and sale of neonicotinoid-treated seeds for certain crops. The bill authorizes the Commissioner of Agriculture, Conservation and Forestry, after consultation with the Commissioner of Environmental Protection, to waive these prohibitions and issue a written exemption order if certain conditions are met.

Date:

(Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 858, L.D. 1323, “An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds”

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Board of Pesticides Control to Evaluate the Impact of Neonicotinoids on Pollinators, Humans and the Environment'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature understands that bees and other pollinators face many threats such as loss of habitat, extreme heat and drought, flooding, wildfires, diseases, Varroa mites and competition from nonnative insects; and

Whereas, the Legislature finds it is important to understand the impact of neonicotinoids, including neonicotinoid-treated seeds, on pollinators; to develop strategies to mitigate the risks of neonicotinoid exposure; and to protect pollinator populations; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period to allow the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to conduct its work as soon as possible so that it may provide a preliminary report to the Legislature by January 15, 2026; and

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, be it

Sec. 1. Board of Pesticides Control to study neonicotinoids. Resolved: That the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, referred to in this resolve as "the board," shall study:

1. The impacts of neonicotinoids, including neonicotinoid-treated seeds, on pollinators;
2. The costs and benefits of neonicotinoid-treated seeds compared to untreated seeds, including the market availability of neonicotinoid-treated seeds compared to untreated seeds;
3. The impact of neonicotinoids on the environment, including, but not limited to, soil, water and plant tissues;
4. The toxicity of neonicotinoids to humans;
5. Alternatives to neonicotinoid seed treatments for the protection of crops from damaging pests and disease;
6. The toxicity of effective alternatives to neonicotinoids and neonicotinoid-treated seeds that may be used for the protection of crops from damaging pests and disease; and
7. Methods of application of alternatives to neonicotinoids and neonicotinoid-treated seeds and the required number of applications for effectiveness.

In conducting the study under this section, the board shall give special consideration to effects on potato crops and corn crops.

Sec. 2. Request for information. Resolved: That the board shall solicit feedback regarding ideas and insights on the topic of the study, pursuant to section 1, from the public, stakeholders and interested parties through either a public hearing or a request for information document.

Sec. 3. Reports. Resolved: That the board shall submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2026 and shall submit a final report with findings and recommendations relating to the subject matter of the study under section 1 to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than January 15, 2027. The joint standing committee may submit a bill to the 133rd Legislature in 2027 relating to the subject matter of the final report.

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Pesticides Control - Board of 0287**

Initiative: Provides funding for contractual services to research the effects of neonicotinoids.

OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
All Other	\$156,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$156,500	\$0

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill with a resolve and adds an emergency preamble and emergency clause. The amendment requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to study the impact of neonicotinoids, including neonicotinoid-treated seeds, on pollinators, humans and the environment. The amendment requires the board to solicit feedback regarding ideas and insights on the topic of the study from the public, stakeholders and interested parties through either a public hearing or a request for information document. The amendment requires the board to submit a preliminary report and a final report with findings and recommendations relating to the subject matter of the study to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1697

H.P. 1132

House of Representatives, April 17, 2025

An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, HEPLER of Woolwich,
PLUECKER of Warren.

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

2 **Sec. 1. 7 MRSA §616-A, sub-§2, ¶A**, as repealed and replaced by PL 2003, c. 452,
3 Pt. B, §6 and affected by Pt. X, §2, is amended to read:

4 A. A person may not violate this subchapter or a rule adopted pursuant to this
5 subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter
6 258-A. Except as provided in paragraph B, the following penalties apply to violations
7 of this paragraph.

8 (1) A person who violates this paragraph commits a civil violation for which a fine
9 ~~of not more than \$1,500~~ may be adjudged as follows.

10 (a) A fine of not more than \$25,000 may be adjudged except as provided in
11 division (b).

12 (b) A fine of not more than \$50,000 may be adjudged for an unauthorized
13 pesticide application in a case in which the preponderance of the evidence
14 demonstrates that the person who violated this paragraph benefited
15 substantially from the violation as determined by the board by routine technical
16 rule as described in Title 5, chapter 375, subchapter 2-A. Clear and convincing
17 evidence that only one person benefited substantially from an unauthorized
18 pesticide application constitutes prima facie evidence that the person is
19 responsible for the unauthorized pesticide application.

20 (2) A person who violates this paragraph and is subject to a fine under
21 subparagraph (1), division (a) after having previously violated this paragraph and
22 having been subject to a fine under subparagraph (1), division (a) within the
23 previous 4-year period commits a civil violation for which a fine of not more than
24 \$4,000 \$75,000 may be adjudged. A person who violates this paragraph and is
25 subject to a fine under subparagraph (1), division (b) after having previously
26 violated this paragraph and having been subject to a fine under subparagraph (1),
27 division (b) within the previous 4-year period commits a civil violation for which
28 a fine of not more than \$150,000 may be adjudged.

29 **Sec. 2. 7 MRSA §616-A, sub-§2, ¶B**, as amended by PL 2011, c. 510, §1, is further
30 amended to read:

31 B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule
32 regarding records maintained pursuant to section 606, subsection 2, paragraph G. The
33 following penalties apply to violations of this paragraph.

34 (1) A person who violates this paragraph commits a civil violation for which a fine
35 of not more than ~~\$500~~ \$1,000 may be adjudged.

36 (2) A person who violates this paragraph after having previously violated this
37 paragraph within the previous 4-year period commits a civil violation for which a
38 fine of not more than ~~\$1,000~~ \$2,000 may be adjudged.

39 **Sec. 3. Board of Pesticides Control to adopt rules.** The Department of
40 Agriculture, Conservation and Forestry, Board of Pesticides Control shall adopt routine
41 technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter
42 2-A to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;

2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;

3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and

4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.

SUMMARY

This bill increases the maximum fine that may be adjudged for a violation of the laws and rules governing pesticides from \$1,500 to \$25,000 except in a case for an unauthorized pesticide application in which the preponderance of the evidence demonstrates that the violator benefited substantially from the violation, in which case the maximum fine is \$50,000. Maximum fines for subsequent violations are increased to \$75,000 and \$150,000, respectively. The bill provides that clear and convincing evidence that only one person benefited substantially from an unauthorized pesticide application constitutes prima facie evidence that the person is responsible for the unauthorized pesticide application. The bill increases the maximum fine for a private applicator who violates rules regarding the maintenance of records from \$500 to \$1,000 and from \$1,000 to \$2,000 for subsequent violations.

The bill directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to adopt routine technical rules to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;

2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;

3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and

4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1557

H.P. 1015

House of Representatives, April 10, 2025

An Act to Ensure Uniformity in the Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances in Pesticides

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

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative ARATA of New Gloucester.
Cosponsored by Representatives: COOPER of Windham, CRAY of Palmyra, DILL of Old Town, GUERRETTE of Caribou, HEPLER of Woolwich, JACKSON of Oxford, Senator: BERNARD of Aroostook.

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

Sec. 1. 7 MRSA §604, sub-§22-A, as enacted by PL 2021, c. 673, §1, is amended to read:

22-A. Perfluoroalkyl and polyfluoroalkyl substances or PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in ~~Title 32, section 1732, subsection 5-A~~ 40 Code of Federal Regulations, Section 705.3, as amended.

Sec. 2. 38 MRSA §1614, sub-§5, ¶H is enacted to read:

H. Notwithstanding subsection 1, paragraph F, for purposes of the prohibition on the sale of pesticide products containing intentionally added PFAS under this subsection, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 7, section 604, subsection 22-A and "pesticide" has the same meaning as in Title 7, section 604, subsection 25.

SUMMARY

This bill changes the definition of "perfluoroalkyl and polyfluoroalkyl substances," also referred to as PFAS, in the Maine Pesticide Control Act of 1975 to align with the United States Environmental Protection Agency's definition of "PFAS." The bill also applies this definition of PFAS for the purposes of the prohibition on the sale of pesticide products containing intentionally added PFAS.



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1982

H.P. 1325

House of Representatives, May 20, 2025

An Act to Ensure Uniformity in the Regulation of PFAS

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Clerk of the House on May 15, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ARATA of New Gloucester.
Cosponsored by Senator BERNARD of Aroostook and
Representatives: BRIDGEO of Augusta, CRAY of Palmyra, DILL of Old Town,
GUERRETTE of Caribou, HEPLER of Woolwich, JACKSON of Oxford.

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

Sec. 1. 32 MRSA §1732, sub-§5-A, as enacted by PL 2019, c. 277, §2, is amended to read:

5-A. Perfluoroalkyl and polyfluoroalkyl substances; PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following 3 substructures:

A. R-(CF₂)-CF(R')R", where both the CF₂ and CF moieties are saturated carbons;

B. R-CF₂OCF₂-R', where R and R' can either be F, O or saturated carbons; or

C. $\text{CF}_3\text{C}(\text{CF}_3)\text{R}'\text{R}''$, where R' and R'' can either be F or saturated carbons.

Sec. 2. 38 MRSA §1614, sub-§1, ¶F, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following 3 substructures:

(1) $\text{R}-(\text{CF}_2)-\text{CF}(\text{R}')\text{R}''$, where both the CF_2 and CF moieties are saturated carbons;

(2) $\text{R-CF}_2\text{OCF}_2\text{-R}'$, where R and R' can either be F, O or saturated carbons; or

(3) $\text{CF}_3\text{C}(\text{CF}_3)\text{R}'\text{R}''$, where R' and R'' can either be F or saturated carbons.

SUMMARY

This bill changes the definition of "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" in the laws governing reduction of toxics in packaging, the sale of products containing intentionally added PFAS, the Fund to Address PFAS Contamination, pesticides, renewable energy procurement in contaminated land, firefighting or fire-suppressing foam, waste discharge licenses, licenses to spread septage and the Land Application Containment Monitoring Fund to align with the United States Environmental Protection Agency's definition of "PFAS."