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H.P. 694

House of Representatives, March 14, 2017

An Act To Protect Pollinators from Neonicotinoid Pesticides

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

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

ROBERT B. HUNT
Clerk

Presented by Representative DEVIN of Newcastle.

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

2 **Sec. 1. 7 MRSA c. 419** is enacted to read:

3 **CHAPTER 419**

4 **NEONICOTINOID PESTICIDES**

5 **§2471. Definitions**

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

8 **1. Certified applicator.** "Certified applicator" has the same meaning as in Title 22,
9 section 1471-C, subsection 4.

10 **2. Licensed veterinarian.** "Licensed veterinarian" has the same meaning as in Title
11 32, section 4853, subsection 5.

12 **3. Neonicotinoid pesticide.** "Neonicotinoid pesticide" means any pesticide
13 containing a chemical belonging to the neonicotinoid class of chemicals, including
14 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid,
15 thiamethoxam and any other chemical designated by the commissioner by rule as
16 belonging to the neonicotinoid class of chemicals.

17 **4. Nursery stock.** "Nursery stock" means any of the following:

18 A. A hardy plant, whether cultivated, native or wild, that is capable of surviving a
19 Maine winter, including, but not limited to, a deciduous tree, evergreen tree, shrub or
20 woody vine, and all viable parts of that plant;

21 B. A nonhardy plant that is cultivated in the State for distribution in another state that
22 requires plant inspection and certification before entering that other state, and all
23 viable parts of that plant; or

24 C. Any other plant for which, as determined by the commissioner, regulation of the
25 movement of the plant is necessary to control a dangerous plant pest.

26 **5. Plant pest.** "Plant pest" has the same meaning as in section 2211, subsection 6.

27 **6. Restricted use pesticide.** "Restricted use pesticide" has the same meaning as in
28 Title 22, section 1471-C, subsection 23.

29 **§2472. Labeling**

30 A person may not sell at retail in the State any seed, plant material, nursery stock,
31 annual plant, bedding plant or other plant that has been treated with a neonicotinoid
32 pesticide unless the seed, plant material, nursery stock, annual plant, bedding plant or
33 other plant bears a label, or is placed within the retail location in close proximity to a
34 prominently displayed sign, that includes the following statement:

1 "WARNING: This product has been treated with neonicotinoid
2 pesticides, which have been found to harm or impair nontarget
3 organisms, including bees and other pollinators, birds, earthworms and
4 aquatic invertebrates."

5 **§2473. Prohibitions**

6 **1. Sales prohibition.** Beginning January 1, 2018, a person may not sell at retail in
7 the State a neonicotinoid pesticide unless the person also sells a restricted use pesticide.

8 **2. Use prohibition.** Beginning January 1, 2018, a person may not use a
9 neonicotinoid pesticide unless the person is:

10 A. A certified applicator;

11 B. A farmer who uses the neonicotinoid pesticide for agricultural purposes,
12 including, but not limited to, crop production, livestock or poultry production or the
13 cultivation of noncrop agricultural fields; or

14 C. A licensed veterinarian.

15 This section does not apply to the retail sale or use of a flea or tick collar that
16 contains a neonicotinoid pesticide.

17 **§2474. Enforcement; rules**

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

21 **SUMMARY**

22 This bill requires that any seed, plant material, nursery stock, annual plant, bedding
23 plant or other plant sold at retail in the State that has been treated with a neonicotinoid
24 pesticide bear a label, or be placed in close proximity to a sign, that notifies the consumer
25 that the product has been treated with a neonicotinoid pesticide and that such pesticides
26 have been found to harm nontarget organisms, including bees and other pollinators. The
27 bill also implements a prohibition, effective January 1, 2018, on the retail sale of
28 neonicotinoid pesticides by persons that do not also sell a restricted use pesticide and
29 implements a prohibition, also effective January 1, 2018, on the use of a neonicotinoid
30 pesticide, with exceptions for certified applicators, farmers and licensed veterinarians.