

General Use Pesticide Dealer Law

22 MRSA § 1471-C. Definitions

8. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State. 1975, c. 397, _ 2 (new).

11-B. General use pesticide. "General use pesticide" means any pesticide which has been registered by the United States Environmental Protection Agency as evidenced by a registration number on the label and which is not a restricted use or limited use pesticide, as defined in this section. Pesticides restricted by the United States Environmental Protection Agency are so identified on the label. Pesticides restricted or limited by the Board of Pesticides Control are listed by the board. 1988, c. 723, @2 (new).

11-C. General use pesticide dealer. "General use pesticide dealer" means any person who distributes general use pesticides. 1988, c. 723, @2 (new).

13-A. Household use pesticide product. "Household use pesticide product" means any general use pesticide product which contains no more than 3% active ingredients and which is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section 1471-U, subsection 5, petroleum solvents shall not be considered active ingredients. 1988, c. 723, @3 (new). *(The legislative intent of "around" has been interpreted by the Attorney General's office as meaning "on" the house. Most outdoor use products are not exempt at any percent of active ingredient unless they meet another exemption category in the law.)*

19. Pesticide. The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. 1975, c. 397, _ 2 (new).

23-A. Retail distributor. The term "retail distributor" means distribution of a pesticide to the end user.

22 MRSA § 1471-W. General use pesticide dealers

1. License required. Unless exempted under subsection 5, no person may distribute general use pesticides without a license. 1989, c. 93, @2 (new).

2. Issuance of license. The Board of Pesticides Control shall issue a license to distribute general use pesticides to any person upon payment of a fee of \$20 for a calendar year or any part of a calendar year. Any person licensed to distribute restricted use pesticides shall be considered licensed to distribute general use pesticides without any additional fee. All fees collected under this section shall be deposited in the Board of Pesticides Control Special Fund. 1989, c. 93, @2 (new).

3. Records; reporting. Any person who distributes general use pesticides to licensed general use pesticide dealers in the State shall keep and maintain records of these sales for annual reporting purposes. These annual reports must include the names of all licensed general use pesticide dealers to whom general use pesticides were distributed, the names of the pesticides, the United States Environmental Protection Agency registration number and the quantity sold.

These records must be kept for 2 years after the end of the calendar year. For the purposes of this subsection, distribute means sells, ships or delivers general use pesticides to a licensed general use pesticide dealer engaged in retail sales. The Board may adopt rules to further clarify who is responsible for reporting under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, Chapter 375, subchapter II-A.

4. Violations; penalty. 1989, c. 93, @2 (new). c. 841, @10 (repealed).

5. Exemptions. The following situations are exempt from the provisions of this section.

A. Any person may distribute the following products without a general use pesticide dealer license:

- (1) Household use pesticide products with no more than 3% active ingredients;
(Note: this exemption does not include weed & feed or other outdoor use pesticide products)
- (2) The following products, which have limited percentages of active ingredients:

- (a) Dichlorovos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;

- (3) The following products with unlimited percentages of active ingredients:

- (a) Pet supplies such as shampoos, tick and flea collars and dusts;

- (b) Disinfectants, germicides, bactericides and viricides;

- (c) Insect repellents;

- (d) Indoor and outdoor animal repellents;

- (e) Moth flakes, crystals, cakes and nuggets;

- (f) Indoor aquarium supplies;

- (g) Swimming pool supplies;

- (h) Pediculocides and mange cure on man;

- (i) Aerosol products; and

- (j) General use paints, stains and wood preservatives and sealants.

1989, c. 93, @2 (new).

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section. 1989, c. 93, @2 (new). 1989, c. 93, @2 (new).