



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III
COMMISSIONER
HENRY JENNINGS
DIRECTOR

April 24, 2008

Scanned copy of the original

Abbie Hills
Municipal Clerk, Town of Montville
414 Center Road
Montville, ME 04941

COPY

Dear Ms. Hills:

It has been brought to my attention that the Town of Montville recently adopted a municipal ordinance regulating the use of genetically modified organisms, including genetically modified crops. Certain genetically modified crops, such as varieties of Bt corn, contain genes that are classified as pesticides under federal law. Under Maine statutes (22 MRS A, Section 1471-U), the clerk of any municipality adopting an ordinance regulating the storage, use or distribution of pesticides must file notice and a copy of the proposed ordinance with this Board at least seven days in advance of the meeting of the legislative body or public hearing at which the ordinance will be considered. The clerk shall also notify the Board within 30 days after the adoption of the ordinance.

Since the Board was not notified in advance of consideration of Montville's Genetically Modified Organism Ordinance, the ordinance is considered null and void with respect to any genetically modified organisms that contain genes classified as pesticides by the federal Environmental Protection Agency. A copy of the MRSA Section 1471-U is attached for your information. Readopting the ordinance in accordance with MRSA 1471-U will ensure that the ordinance is lawful with respect to the state pesticide law.

Thank you for your cooperation in this matter. Please feel free to contact me if you have any questions or comments.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control