

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment**

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

**Sec. 1. 22 MRSA §1471-Z, sub-§3**, as enacted by PL 2009, c. 584, §2, is amended to read:

**3. Criteria requiring notification.** A land manager is required to notify a person whose property is on the registry if:

A. Pesticides are being applied using aircraft and the registered property lies within ~~1,320~~100 feet of the intended spray area;

B. Pesticides are being applied using air-carrier equipment and the registered property lies within ~~1,320~~100 feet of the intended spray area; or

C. Notwithstanding paragraph B, pesticides are being applied using air-carrier equipment into the crowns of fruit trees or Christmas trees and the registered property lies within ~~500~~50 feet of the intended spray area. This paragraph is repealed January 1, 2012.

### **SUMMARY**

This bill changes the notification criteria regarding the application of pesticides by aircraft or air-carrier equipment to a person on a notification registry from 1,320 feet to 100 feet. It also changes the distance requiring notification when pesticides are sprayed into the crowns of fruit trees or Christmas trees using air-carrier equipment from 500 feet to 50 feet.

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## **An Act To Revise Notification Requirements for Pesticide Application**

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

**Sec. 1. 22 MRSA §1471-Z**, as amended by PL 2009, c. 584, §2, is repealed.

**Sec. 2. 22 MRSA §1471-AA**, as enacted by PL 2009, c. 584, §3, is repealed.

### **SUMMARY**

This bill repeals the laws that govern the development and maintenance of a registry of the properties of residents, lessees and property owners who request that their properties be placed on a registry in order that they receive advance notification of the outdoor application of pesticides. In the absence of such a registry, the current rules of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control will govern notification requirements in connection with the application of pesticides.

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## **An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control**

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

**Sec. 1. 22 MRSA §1471-B, sub-§1**, as amended by PL 2007, c. 466, Pt. B, §17, is further amended to read:

**1. Board established.** The Board of Pesticides Control is established by Title 5, section 12004D, subsection 3, within the Department of Agriculture, Food and Rural Resources. Except as provided in this chapter, the board must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Senate. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person with practical experience and knowledge regarding the agricultural use of chemicals; one person who has practical experience and knowledge regarding the use of chemicals in forest management; one person from the medical community; a scientist from the University of Maine System specializing in agronomy ~~or~~, entomology or plant pathology having practical experience and knowledge of integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. ~~The 2 members~~One member appointed to represent the public must have a demonstrated interest in environmental protection and one member appointed to represent the public must have practical experience and knowledge of pesticide use in ornamental horticulture and urban landscapes. ~~The 2 members representing the public must~~ represent different geographic areas of the State. The term must be for 4 years, except that of the initial appointees, 2 shall serve 4year terms, 2 shall serve 3year terms, 2 shall serve 2year terms and one shall serve a one-year term. Any vacancy must be filled by an appointment for the remainder of the unexpired term.

### **SUMMARY**

This bill expands the specialty areas in which the scientist member of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control may specialize and also specifies that one public member must have practical experience and knowledge of pesticides use in ornamental horticulture and urban landscapes.

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## **An Act To Prohibit the Use of Pesticides in Certain Circumstances**

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

**Sec. 1. 7 MRSA §606, sub-§3** is enacted to read:

**3. Unlawful use.** A person may not use pesticides for the following purposes:

A. Improving the visual appearance or the aesthetic perception of a place;

B. Removal of unwanted roadside vegetation when mechanical removal of that vegetation or planting of a desirable, competitive ground cover would eliminate or control the unwanted roadside vegetation; or

C. Removal of unwanted vegetation at golf courses, public parks or private parks open to the public.

All persons, including state and municipal agencies, are subject to the prohibitions in this subsection and subsection 4.

**Sec. 2. 7 MRSA §606, sub-§4** is enacted to read:

**4. Aerial spraying of pesticides.** A person may not apply pesticides using aircraft as defined in Title 22, section 1471-C, subsection 2.

**Sec. 3. 22 MRSA §454-A, sub-§2, ¶H,** as enacted by PL 2007, c. 598, §7, is amended to read:

H. Enforce public health safety laws, including:

(1) Laws pertaining to the exclusion of students from school under Title 20A, section 6356;

(2) ~~Laws pertaining to control of browntail moths under section 1444;~~

(3) Laws pertaining to the removal of a private nuisance or nuisance of a dead animal under sections 1561 and 1562;

(4) Laws pertaining to the establishment of temporary health care facilities under section 1762; and

(5) Laws pertaining to prohibited dumping under Title 30A, section 3352.

**Sec. 4. 22 MRSA c. 257-A,** as amended, is repealed.

**Sec. 5. 22 MRSA §1471-R**, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

**Sec. 6. 22 MRSA §1471-S**, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

**Sec. 7. 22 MRSA §1471-T**, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

**Sec. 8. 22 MRSA §1471-Z, sub-§2**, as enacted by PL 2009, c. 584, §2, is amended to read:

**2. Obligations to provide information to people on registry.** A land manager intending to conduct an outdoor application of pesticides using ~~aircraft~~ or air-carrier equipment shall access the registry to identify any person entitled to notification under subsection 3 and, except as provided in subsections 5, 6 and 7, shall provide that person with notification no later than the day before and no earlier than 7 days before the day of the application. The notification must include:

- A. The date and approximate time of application;
- B. The type of equipment to be used and the manner in which the pesticides will be applied;
- C. The brand names and the United States Environmental Protection Agency's registration numbers for the pesticides to be used;
- D. Contact information for the land manager; and
- E. The location of the property that the land manager intends to spray.

Upon the request of a person receiving notification under this subsection, a land manager shall provide the material safety data sheets for the pesticides being used or copies of the pesticides labels. A land manager is not required to postpone an application pending delivery of the requested information.

**Sec. 9. 22 MRSA §1471-Z, sub-§3, ¶A**, as enacted by PL 2009, c. 584, §2, is repealed.

**Sec. 10. 22 MRSA §1471-Z, sub-§4**, as enacted by PL 2009, c. 584, §2, is amended to read:

**4. Means of notification.** A land manager conducting or contracting for a pesticides application using ~~aircraft~~ or air-carrier equipment shall make a good faith effort to convey the information required in subsection 2. Acceptable means of notification include:

- A. Personal delivery of notification forms;
- B. Mailing notification forms through the United States Postal Service;
- C. Electronic mailing of notification forms;
- D. Telephone calls, either personal or automated; or
- E. Other means determined acceptable by the board.

**Sec. 11. 22 MRSA §1471-Z, sub-§7, ¶A**, as enacted by PL 2009, c. 584, §2, is repealed.

**Sec. 12. Board of Pesticides Control to revise rules.** The Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall revise its rules as necessary to be consistent with this Act. Necessary revisions must be made and in effect no later than April 1, 2012. Notwithstanding the Maine Revised Statutes, Title 7, section 610, subsection 6 and Title 22, section 1471Z, subsection 9, rules adopted or amended under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

**Sec. 13. Naturally occurring pesticides as alternative to synthetic chemicals.** As resources allow, the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall review naturally occurring pesticides and identify those that provide an effective substitute for synthetic chemicals that are more toxic to humans. The board shall develop a list of pest problems that can be addressed with a specific naturally occurring pesticide and move toward prohibiting the use of a more toxic synthetic chemical wherever feasible.

### SUMMARY

This bill prohibits the application of pesticides using aircraft. It prohibits use of pesticides for aesthetic purposes, for removing vegetation in parks and for removing roadside vegetation when the vegetation can be controlled by other means. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to revise its rules as necessary to be consistent with this Act and designates such rules as routine technical. It directs the board to examine the feasibility of prohibiting synthetic chemical pesticides when less toxic, naturally occurring pesticides provide a better alternative.