

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1327, L.D. 1829, Bill, "An Act to Prohibit the Use of Herbicides in the Allagash Wilderness Waterway"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the herbicide spraying season will begin before legislation by the Second Regular Session of the 114th Legislature becomes effective; and

Whereas, a moratorium on the use of herbicides during this growing season will give the State an opportunity to reassess herbicide use within the Allagash Wilderness Waterway; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §662, sub-§4-A is enacted to read:

4-A. Herbicide. "Herbicide" means a substance or mixture of substances used to destroy, dessicate, defoliate or prevent the growth of unwanted vegetation.

Sec. 2. 12 MRSA §670, sub-§§1 and 2, as repealed and replaced by PL 1983, c. 754, §3, are amended to read:

1. Restricted zone. Timber-harvesting operations shall are not be permitted within the restricted zone, except:

2 adjudged. A person who violates the herbicide provisions of
3 section 670 is subject to the penalties of Title 22, section
4 1471-J.

5 **Sec. 4. 36 MRSA §574-B, sub-§1**, as enacted by PL 1989, c. 555,
6 §16, is amended to read:

7 **1. Forest management and harvest plan.** A forest management
8 and harvest plan has been prepared for the parcel and updated
9 every 10 years. The landowner shall file a sworn statement with
10 the municipal assessor in a municipality or the State Tax
11 Assessor for parcels in the unorganized territory that a
12 management plan has been prepared for the parcel. A landowner
13 with a parcel taxed pursuant to this subchapter on ~~the date of~~
14 ~~enactment of this provision~~ September 30, 1989 has until April 1,
15 1999, to comply with this requirement and ~~may, upon request~~ until
16 the plan is prepared or April 1, 1999, whichever is earlier, will
17 be subject to the applicability provisions ~~until April 1, 1999,~~
18 under this section as it existed on April 1, 1982;

19 **Emergency clause.** In view of the emergency cited in the
20 preamble, this Act takes effect when approved.'

24 STATEMENT OF FACT

25 This amendment revises the original bill to define the term
26 herbicide, fix technical errors and clarify that violations of a
27 ban on herbicide use will be subject to penalty provisions of the
28 Pesticides Control Board. A restriction for spraying herbicides
29 within the restricted zone is added. The amendment also sunsets
30 the prohibition of herbicide use outside the restricted zone on
31 December 1, 1990, to allow the State time to reevaluate the use
32 of herbicides within the waterway.

33 Finally, the amendment deletes a requirement for forest
34 landowners to request continued treatment under the Tree Growth
35 Tax Law for their lands before a forest management plan is
36 completed.

Reported by the Committee on Energy and Natural Resources
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House
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