



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 591

H.P. 449

House of Representatives, February 15, 2011

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative McFADDEN of Dennysville. (BY REQUEST)  
Cosponsored by Senator ALFOND of Cumberland and  
Representative: BOLDUC of Auburn.

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

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

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

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

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

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

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

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

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

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

17 H. Enforce public health safety laws, including:

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

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

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

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

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

26 **Sec. 4. 22 MRSA c. 257-A,** as amended, is repealed.

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 A, §54, is repealed.

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

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

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

32 **2. Obligations to provide information to people on registry.** A land manager  
33 intending to conduct an outdoor application of pesticides using ~~aircraft~~ or air-carrier

1 equipment shall access the registry to identify any person entitled to notification under  
2 subsection 3 and, except as provided in subsections 5, 6 and 7, shall provide that person  
3 with notification no later than the day before and no earlier than 7 days before the day of  
4 the application. The notification must include:

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

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

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

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

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

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

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

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

