

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1513

6
7 S.P. 501

In Senate, April 25, 1983

8 Referred to the Committee on Agriculture. Sent down for concurrences
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Wood of York.

Cosponsored by: Representative Diamond of Bangor, Representative Cote
of Auburn, and Representative Allen of Washington.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide for the
18 Return and Proper Disposal
19 of Pesticide Containers.
20

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

23 Sec. 1. 22 MRSa §1471-A, as enacted by PL 1975,
24 c. 397, §2, is amended to read:

25 §1471-A. Purpose and policy

26 For the purpose of assuring to the public the
27 benefits to be derived from the safe, scientific and
28 proper use of chemical pesticides while safeguarding
29 the public health, safety and welfare, and for the
30 further purpose of protecting natural resources of
31 the State, it is declared to be the policy of the
32 State of Maine to regulate the sale and application
33 of chemical insecticides, fungicides, herbicides and
34 other chemical pesticides, and to regulate the return

1 and disposal of limited and restricted use pesticide
2 containers.

3 Sec. 2. 22 MRSA §1471-Q is enacted to read:

4 §1471-Q. Return and disposal of limited and re-
5 stricted use pesticide containers

6 1. Purpose. The purpose of this section is to
7 insure the triple rinsing or equivalent of limited
8 and restricted use pesticide containers in accord
9 with the board's regulations, and provide an incen-
10 tive through a deposit system for the return of
11 triple rinsed pesticide containers. All limited and
12 restricted use pesticide containers shall have a
13 sticker supplied by the board. That sticker shall be
14 used to identify those limited and restricted use
15 pesticide containers for which a deposit is required.

16 2. Scope. This section applies to all limited
17 and restricted pesticide containers, excluding those
18 packaged in a cardboard, fiberboard or paper con-
19 tainer, which are sold, bartered or traded within the
20 State, or transported to the State for use in the
21 State.

22 3. Deposit established. The board shall by
23 regulation establish a deposit for restricted and
24 limited use pesticide containers within the scope of
25 this section which are sold, bartered or traded
26 within the State, or transported into the State for
27 use in the State. The deposit amount should be suf-
28 ficient to promote the return of the limited and re-
29 stricted use pesticide containers.

30 These regulations adopted by the board in accordance
31 with the Maine Administrative Procedure Act, Title 5,
32 chapter 375, shall thereafter be in effect until 90
33 days after the date of adjournment of the next
34 regular session of the Legislature, unless the next
35 regular session shall adopt by legislative enactment
36 that regulation.

37 4. Dealers collect deposits. All pesticide
38 dealers shall, at the time of purchase collect the
39 deposit established by the board for each pesticide
40 container subject to this section, which is sold,

1 bartered or traded within the State or transported
2 into the State for use in the State.

3 5. Stickers required. Upon the sale, trade or
4 barter of any pesticide container subject to this
5 section, the pesticide dealer shall affix a sticker
6 supplied by the board to identify those containers.
7 The sticker shall indicate that the deposit has been
8 paid and shall be designed so that it can be used to
9 identify both the dealer and the purchaser.

10 After April 1, 1985, it shall be unlawful for any
11 person except pesticide dealers or distributors to
12 possess any limited or restricted use pesticide con-
13 tainer subject to this regulation, unless the board's
14 sticker is affixed to the container, except that,
15 upon disposal by or at the direction of a pesticide
16 dealer the sticker may be removed or destroyed.

17 6. Deposits refunded. Deposits will be refunded
18 by pesticide dealers on all pesticide containers
19 bearing the board's stickers at the place of business
20 of the pesticide dealer who sold, bartered or traded
21 the restricted or limited use pesticide, provided
22 that the containers have been triple rinsed or the
23 equivalent in accord with the board's regulations
24 prior to return.

25 7. Authority to adopt regulations. The board
26 may promulgate rules and take such other actions as
27 it deems necessary to carry out the provisions of
28 this section.

29 Sec. 3. Effective date. Except as specifically
30 provided otherwise, this section shall become effec-
31 tive on April 1, 1984.

32 Sec. 4. Appropriation. The following funds are
33 appropriated from the General Fund for the purposes
34 of carrying out this Act.

35 1983-84 1984-85

36 AGRICULTURE, FOOD AND RURAL
37 RESOURCES, DEPARTMENT OF

38 Board of Pesticide Control

1	Lab Fees		
2	All Other	\$8.000	\$26,000

3 STATEMENT OF FACT

4 This bill establishes a program which provides
5 for a required deposit on restricted and limited use
6 pesticide containers to provide an incentive so that
7 pesticide containers will be triple rinsed, or the
8 equivalent, and returned. Return is voluntary. Upon
9 return of a triple rinsed, or the equivalent, con-
10 tainers the deposit will be refunded. Returned con-
11 tainers are required to be triple rinsed, or the
12 equivalent, prior to their return so that the con-
13 tainers will not be a hazardous waste.

14 Pesticide containers made of cardboard, fiber-
15 board or paper are excluded from the requirements of
16 this bill.

17 This bill requires pesticide dealers to place a
18 sticker supplied by the board upon the containers of
19 limited and restricted use subject to Title 22,
20 section 1471-Q. The sticker is to be designed so
21 that it can be used to identify both the dealer and
22 the purchaser of the limited and restricted use pes-
23 ticide. The stickers shall identify those containers
24 on which a deposit has been paid, and also identify
25 the user should a spot check demonstrate that the
26 container was not triple rinsed as required. Fur-
27 thermore, the bill provides that after April 1, 1985,
28 it shall be illegal for a person who is neither a
29 dealer not a distributor to possess a limited or re-
30 stricted use pesticide in a container regulated by
31 Title 22, section 1471-Q, unless the container has a
32 sticker affixed to it.

33 The deposit system is designed to eliminate the
34 need to transfer funds as the dealer who collects the
35 deposit is the only person who can refund the deposit
36 on that container. The user shall return the pesti-
37 cide container to the dealer from whom it was pur-
38 chased in order to get the deposit back.

1 The Board of Pesticide Control is estimating a
2 total appropriation of \$34,000 to effectively admin-
3 ister this program, \$8,000 for fiscal year 1983-84
4 and \$26,000 for fiscal year 1984-85. The funds would
5 be expended to monitor, on a spot check basis, to
6 insure that all returned containers are in fact
7 triple rinsed or equivalent. The triple rinsing of
8 the containers is a crucial requirement, unless they
9 are triple rinsed, the containers may be deemed to be
10 a hazardous waste. The spot check would include
11 sample collections from the returned containers and a
12 laboratory analysis of the samples. The appropriated
13 funds are to cover the cost of the laboratory analy-
14 sis of the samples.

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