

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 96

S. P. 46

In Senate, January 10, 1963

Referred to Committee on Agriculture. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Sproul of Lincoln, by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Regulation of Pesticides.

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

Sec. 1. R. S., c. 25-E, additional. The Revised Statutes are amended by adding a new chapter 25-E, as follows:

'Chapter 25-E.

Regulation of Pesticides.

Sec. 1. Purpose and policy. For the purpose of assuring to the public the benefits to be derived from the safe, scientific and proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the further purpose of protecting the public interest in the soils, waters, forests, wildlife, agricultural and other natural resources of the State, it is declared to be the policy of the State of Maine to regulate the sale of, commerce in, and the custom or commercial application of, chemical insecticides, fungicides, herbicides and other chemical pesticides. This chapter shall be known as the Chemical Pesticides Act of 1963.

Sec. 2. Board of Pesticides Control. There is created a Board of Pesticides Control to be composed of the Commissioner of Health and Welfare, who shall serve as chairman; the Commissioner of Agriculture; the Forest Commissioner; and the Chairman of the Water Improvement Commission. It shall be the duty of the Board of Pesticides Control, hereinafter referred to as the board, to promulgate rules and regulations to accomplish the following, pursuant to the purposes and policy of this chapter:

I. Regulations. To regulate the transportation, testing, inspection, packaging, labeling, handling and advertising of chemical pesticides offered for sale, or placed in commerce, for use in this State;

II. Licensing. To provide for the licensing of persons engaged in the custom, commercial or contract spraying or application of chemical pesticides, including the requirement of surety bond and liability insurance of such licensees;

III. Spraying. To prescribe materials, formulations and methods to be used by persons engaged in the custom, commercial or contract spraying or application of chemical pesticides; and

IV. Distribution. To regulate and supervise the distribution, application or use of chemical pesticides in any state project, program or operation, or by any other public agency under the jurisdiction of the State of Maine.

Sec. 3. Administration and enforcement. It shall be the duty of the Commissioner of Health and Welfare to administer and enforce the rules and regulations promulgated by the board and to disseminate informational and educational material to the public concerning the use, effects and hazards of chemical pesticides and he may employ a chief deputy for pesticides, with the approval of the board, and such other staff members as are necessary for these purposes. The Commissioner of Agriculture, Forest Commissioner and Chairman of the Water Improvement Commission are authorized to cooperate with the Commissioner of Health and Welfare and to assign such officers, agents, personnel and equipment as is deemed appropriate by the board to effectuate the provisions of this chapter. The Commissioner of Health and Welfare is authorized to make transfers out of funds appropriated for the purposes of this chapter, to other departments of state government in order to effectuate this section.

Sec. 4. Commercial sprayers to be licensed. No person shall engage in the business of the custom, commercial or contract spraying or application of chemical pesticides without having a valid license issued by the Commissioner of Health and Welfare in accordance with regulations promulgated pursuant to the purposes and provisions of this chapter. Such license shall be issued for a term not to exceed one year, and may be suspended or revoked for cause.

Sec. 5. Public pesticide programs. No officer, agent or employee of the State, or of any county or municipality, may direct, carry out, participate or assist in, the spraying or application of a chemical pesticide in any program, project or operation involving funds, materials or equipment of the State, or of said county or municipality, except in accordance with regulations promulgated by the board pursuant to the purposes and provisions of this chapter. Before any such program, project or operation that would affect lands owned separately by 2 or more persons is initiated, such officer, agent or employee shall give public notice of intent in such manner as is required by regulation of the board and the board shall conduct a public hearing on the proposed program, project or operation if such public hearing is requested by the governing body of the affected county or municipality, or by petition duly signed by not less than 100 residents

thereof. This provision for public hearing may be waived upon certification to the board by the Commissioner of Health and Welfare that a public health emergency exists.

Sec. 6. Prohibitions. No person shall spray, distribute or otherwise apply, or cause to be sprayed, distributed or otherwise applied, any chemical pesticide in such manner as to damage or endanger the health, welfare or property of another person, or in such manner as to pollute or be likely to pollute any waters of the State.

Sec. 7. Penalties; injunctions. Any person who shall violate any provision of this chapter or any regulation promulgated by the board pursuant to this chapter, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or by both, for each offense and in addition thereto may be enjoined from continuing such violation. Each day upon which such violation occurs shall constitute a separate violation.

Sec. 8. Review. An appeal to the courts of the State may be taken from any regulation or other final determination by the board by any person who is or may be adversely affected thereby, or by the Attorney General on behalf of the State in the same manner as appeals in civil actions. The Attorney General shall represent the board, if requested, upon all such appeals unless he appeals or intervenes in behalf of the State.

Sec. 9. Loans; grants. The board is empowered to accept and administer loans and grants from the Federal Government and from any other sources, public or private, for carrying out any of its functions.'

Sec. 2. Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1964 the sum of \$10,000 and for the fiscal year ending June 30, 1965 the sum of \$10,000 to the Board of Pesticides Control to carry out the purposes of this act.