

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1415

H. P. 1097

House of Representatives, March 28, 1969

Reported by Mr. Snow, from Committee on Natural Resources. Printed under Joint Rule No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT** Revising the State Board of Pesticides Control Law.

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

**Sec. 1.** R. S., T. 22, § 1451, repealed and replaced. Section 1451 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is repealed and the following enacted in place thereof:

**§ 1451. 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, water, 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 and application of chemical insecticides, fungicides, herbicides and other chemical pesticides.

**Sec. 2.** R. S., T. 22, § 1454, sub-§ 7, repealed. Subsection 7 of section 1454 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is repealed.

**Sec. 3.** R. S., T. 22, § 1456, amended. The first paragraph of section 1456 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is repealed and the following enacted in place thereof:

The board shall regulate and control within the State all application of pesticides through regulations promulgated by it pursuant to Title 5, chapter

303. Such regulations may relate to areas of application, chemical content and purpose of application, and to the sale of pesticides.

The board shall, by regulation after public hearing, designate :

Sec. 4. R. S., T. 22, § 1459, amended. The first sentence of section 1459 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is amended to read as follows :

~~The board may, after public hearing, make regulations for carrying out this chapter, provided that the regulations~~ Regulations made pursuant to this chapter shall not be inconsistent with regulations issued by this State or by the Federal Government respecting safety in air navigation or operation of aircraft.

Sec. 5. R. S., T. 22, § 1459-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 1459-A, to read as follows :

§ 1459-A. Appeal

Any person aggrieved by any action of the board may obtain a review thereof by filing in the Superior Court within 30 days of notice of the action, a written petition praying that the action of the board be set aside. A copy of such petition shall forthwith be delivered to the board, and within 30 days thereafter the board shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received, whereupon the court shall have jurisdiction to affirm, set aside or modify the action of the board, except that the findings of the board as to the facts, if supported by substantial evidence, shall be conclusive.

Sec. 6. R. S., T. 22, § 1465, repealed and replaced. Section 1465 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is repealed and the following enacted in place thereof.

§ 1465. Enforcement

This chapter and the rules and regulations promulgated thereunder shall be enforced by such personnel of the state agencies listed in section 1452 as the board may designate.