

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1460

H. P. 1125

House of Representatives, March 13, 1973

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Clark of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Transfer the Pesticides Control Board to the Department of
Environmental Protection.**

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

Sec. 1. R. S., T. 22, § 1452, repealed. Section 1452 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, and as amended, is repealed.

Sec. 2. R. S., T. 22, § 1453, sub-§ 2, amended. Subsection 2 of section 1453 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is amended to read as follows:

2. **Board.** "Board" means the ~~State Board of Pesticides Control as established in section 1452~~ Environmental Protection Board as established in Title 38, section 341.

Sec. 3. R. S., T. 22, § 1466, additional. Title 22 of the Revised Statutes is amended by adding a new section 1466 to read as follows:

§ 1466. Commissioner of Agriculture

Prior to promulgating any regulations, suspending any regulations, exempting any person from its regulations, or issuing any license or permit, pursuant to sections 1454, 1454-A, 1456, 1457, 1458 and 1462, the board shall request from the Commissioner of Agriculture a written statement regarding the effect of such action upon agricultural operations within the state, which statement shall be prepared in consultation with the Maine Agricultural Experiment Station.

Sec. 4. Rules, regulations and procedures. All regulations currently in effect and operation in the Pesticides Control Board shall continue in effect unless in conflict with this Act, until rescinded, amended or changed according to law.

“Regulation” shall include, but is not limited to, any regulations, rule, order, administrative procedure, authorization, permit, license or agreement.

Sec. 5. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriation, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon the recommendation of the department head of the State Budget Officer and upon approval by the Governor and Executive Council.

STATEMENT OF FACT

This bill eliminates the Pesticides Control Board and transfers its functions to the Environmental Protection Board, which will exercise all the functions formerly held by the Pesticides Control Board including the conduct of hearings and the promulgation of regulations.

Section 3 of the bill provides that an impact statement shall be obtained from the Commissioner of Agriculture in consultation with the Maine Agricultural Experiment Station before any regulations, licenses or permits are acted upon by the Environmental Protection Board.

The Environmental Protection Board will make determinations as to the effects of pesticides use, but the Commissioner of Agriculture shall participate in such decision by providing information regarding agricultural requirements and the agricultural efficacy of pesticides under consideration.