

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1966**

H. P. 1891

House of Representatives, February 29, 1980

Reported by the Minority from the Committee on Agriculture. Printed Under  
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EDWIN H. PERT, Clerk of the House

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Provide Broad Public Representation on the Board of Pesticides  
Control and to Improve the Level of Information Available to it and the Public.**

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

**Sec. 1. 7 MRSA § 607, sub-§ 6, first sentence,** as enacted by PL 1975, c. 382, § 3, is amended to read:

The applicant desiring to register a pesticide shall pay an annual registration fee of ~~\$10~~ **\$50** to the commissioner for each pesticide registration for such applicant.

**Sec. 2. 7 MRSA § 621,** as enacted by PL 1975, c. 382, § 3, is amended to read:  
**§ 621. Disposition of funds**

All moneys received by the commissioner under the provisions of this subchapter shall be deposited in the State Treasury to the credit of a special fund to be used ~~only~~ for carrying out the provisions of this subchapter **and Title 22, chapter 258-A, Board of Pesticides Control.**

**Sec. 3. 22 MRSA § 1471-B,** as last amended by PL 1977, c. 696, § 181, is repealed and the following enacted in its place:

**§ 1471-B. Board of Pesticides Control**

**1. Board established. There is established within the Department of**

**Agriculture a Board of Pesticides Control.** The board shall be composed of 7 members, appointed by the Governor, subject to review by the Joint Standing Committee of the Legislature having jurisdiction over the subject of agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the board, one person shall be appointed who has practical experience and knowledge from each of the following: Forest management, agriculture, application of pesticides and medicine or public health. Three persons shall be appointed to represent the public. The public members shall be selected to represent different economic or geographic areas of the State. The term shall be for 4 years, except that of the initial appointees, 2 shall serve a 4-year term, 2 shall serve a 3-year term and one shall serve a one-year term. Any vacancy shall be filled by an appointment for the remainder of the unexpired term.

**2. Organization of the board.** The board shall elect its own chairman and such other officers as it deems necessary from among the membership. The board shall meet at the call of the chairman or at the request of any 3 members. Four members shall constitute a quorum and any action shall require the affirmative vote of 4 members. The chairman and the other officers shall serve in such capacities for a period of one year following their elections.

**3. Compensation of the board.** Each public member shall be entitled to \$40 per day for services at meetings or hearings and shall be entitled to payment of necessary expenses, consistent with Title 5, section 13, for attending any meetings or hearings of the board or for any other expenses in connection with the official business of the board, under the authorization of the board.

**4. Director.** The commissioner shall appoint a director, with the approval of the board. The director shall be the principal administrative, operational and executive employee of the board. The director shall attend and participate in all meetings of the board, but may not vote. The director, with the approval of the commissioner and the board, may hire whatever competent professional personnel and other staff he deems necessary. All employees of the board shall be subject to Title 5, Part 2. The director may obtain office space, goods and services as required.

**5. Staff.** The board may establish standards for the delegation of its authority to the director and staff. Any person aggrieved by a decision of the director and staff has a right to a review of the decision by the board. The Commissioner of Agriculture shall provide the board with administrative services of the department, including assistance in the preparation of the board's budget. He may require the board to reimburse the department for these services.

**Sec. 4.** 22 MRSA § 1471-I, as enacted by PL 1975, c. 397, § 2, is repealed.

**Sec. 5. Study.** There is established a joint select committee of the Legislature to review the problems associated with the regulation of pesticides, the administration of all state programs involved in pesticide application and the findings of public and private groups affected thereby. A committee of 10 shall be

composed of 3 Senators from the Joint Standing Committee on Agriculture and the Joint Standing Committee on Natural Resources selected by the President of the Senate and 7 Representatives from these same committees to be selected by the Speaker of the House. The committees shall be equally represented to the extent possible. The joint select committee shall report its findings to the First Regular Session of the 110th Legislature. There is allocated from the legislative account \$3,000 to cover per diem and necessary expenses of the committee.

**Sec. 6. Transition clause.** Any licenses, certification or the like issued by the Board of Pesticides Control pursuant to Title 22, chapter 258-A, or the Commissioner of Agriculture, pursuant to Title 7, chapter 103, subchapter II-A, shall remain in effect according to their terms. Any money in any accounts established pursuant to Title 22, chapter 258-A, or Title 7, chapter 103, subchapter II-A, shall be transferred to the Pesticides Control Fund.

The enactment of this Act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on the effective date of this Act.

**Sec. 7. Federal expenditure limit.** The Governor is authorized to adjust the federal expenditure limit to carry out the purposes of this Act.

**Sec. 8. Effective date.** Section 2 of this Act shall take effect on January 1, 1981. Section 3 of this Act shall become effective upon appointment and qualification of not less than 4 members of the Pesticide Review Board created pursuant to Title 22, section 1471-B, except that those sections may not take effect sooner than 90 days after adjournment of the Legislature.

#### STATEMENT OF FACT

The purpose of this bill is to change the composition of the Board of Pesticides Control to provide expert and public participation. The registration fee for pesticides has been increased. The funds raised by this increase are dedicated to a special fund to provide funds for staff, expert and technical assistance to the board and for the expenses of the board. Since there are many problems associated with the registration and application of pesticides not addressed by this legislation, a joint select committee of agriculture and energy and natural Resources will review possible solutions to problems identified and report to the 110th Legislature.

This bill will decrease general fund expenditures of the department by approximately \$35,000 annually. This bill will provide \$175,000 to a dedicated account for equipment, salaries and expenses of the board and its staff. There will be an effective annual increase in funds for additional staff and equipment of \$140,000 beginning on January 1, 1981. The registration fee is not paid by users but is paid by manufacturers and distributors of pesticides.