

# MAINE STATE LEGISLATURE

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L.D. 1115

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-397)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 373, L.D. 1115, Bill, "AN ACT to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §1471-C, sub-§5, as repealed and replaced by PL 1977, c. 20, §1, is amended to read:

5. Commercial applicator. "Commercial applicator" means any person, except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments.

Sec. 2. 22 MRSA §1471-C, sub-§11-A is enacted to read:

11-A. Government pesticide supervisor. "Government pesticide supervisor" means any federal, state or local government agency, official or employee, whether or not the person is a private applicator with respect to some uses, who, in the course of his duties, responsibilities or employment, supervises the use of any pesticides. For the purposes of this subsection, "supervise" means any and all activity other than the direct application of pesticides.

Sec. 3. 22 MRSA §1471-D, sub-§2-A is enacted to read:

2-A. Certification required; government pesticide supervisor. No government pesticide supervisor may supervise the use of any pesticide without prior certification from the board, provided that the person who actually uses the pesticide must be certified.

Sec. 4. 22 MRSA §1471-D, sub-§6, first sentence, as enacted by PL 1975, c. 397, §2, is amended to read: Certification of commercial applicators , government pesticide supervisors and licenses of pesticide dealers shall be valid for one year from the date of issuance.

Sec. 5. 22 MRSA §1471-D, sub-§7, ¶B, as enacted by PL 1975, c. 397, §2, is amended to read:

B. The board shall notify the licensee, <sup>the</sup> ~~or~~/certified applicator <sup>the</sup> ~~or~~/government pesticide supervisor of the temporary suspension, indicating the basis therefor and <sup>the</sup> informing the licensee, ~~or~~/certified applicator or the supervisor of the right to request a public hearing.

Sec. 6. 22 MRSA §1471-D, sub-§7, ¶C, first 2 sentences, as enacted by PL 1975, c. 397, §2, are amended to read:

If the licensee, <sup>the</sup> ~~or~~/certified applicator <sup>the</sup> ~~or~~/supervisor fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee, <sup>the</sup> ~~or~~/certified applicator <sup>the</sup> ~~or~~/supervisor requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee, <sup>the</sup> ~~or~~/certified applicator or/supervisor and to appropriate federal and state agencies.

Sec. 7. 22 MRSA §1471-D, sub-§8, first sentence, as repealed and replaced by PL 1977, c. 694, §340, is amended to read:

The Administrative Court may suspend or revoke the certification or license of an applicator, government pesticide supervisor or ~~pesticide~~ pesticide dealer upon a finding that the applicant:

Sec. 8. 22 MRSA §1471-M, sub-§1, ¶A, as enacted by PL 1975, c. 397, §2, is amended to read:

A. Establish categories, and where applicable subcategories, of commercial pesticide applicators and government pesticide supervisors depending upon the nature and extent of the pesticide use, the type of pesticide equipment, the degree of knowledge or skill required in their application and such other factors as the board deems relevant, provided that such categories shall be consistent with, but not limited to, the categories United States established by the ~~U-S/~~ Environmental Protection Agency;

Sec. 9. 22 MRSA §1471-M, sub-§1, ¶F is enacted to read:

F. Establish standards for the certification and renewal of certification of government pesticide supervisors. These standards may require that the applicant demonstrate, by written examination and, as appropriate, performance testing, knowledge of pests, formulation and labeling of pesticides, equipment and application techniques, safety precautions, potential harmful effects on the environment and applicable federal and state laws and regulations.'

Statement of Fact

This amendment sets up a new category of certification  
Maine  
under the/Pesticide Control Act of 1975 for government  
supervisors of pesticides use. It also clarifies current law  
by explicitly stating that government employees who apply  
pesticides are commercial applicators.

Filed by Mr. Mahany of Easton.  
Reproduced and distributed under the direction of the Clerk  
of the House.

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