

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1022

6  
7 S.P. 348

In Senate, March 4, 1983

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Brown of Washington.

Cosponsors: Representative Michael of Auburn and Senator Wood of  
11 York.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Protect the Public from Unsafe  
18 Pesticide Use.  
19

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

22 Sec. 1. 7 MRSA §606, sub-§2, ¶F, as enacted by  
23 PL 1975, c. 382, §3, is amended to read:

24 F. For any person to refuse or otherwise fail to  
25 comply with the provisions of this subchapter,  
26 the regulations adopted hereunder, or of any  
27 lawful order of the commissioner;

28 Sec. 2. 7 MRSA §606, sub-§2, ¶¶G and H are  
29 enacted to read:

30 G. For any person to apply chemical pesticides  
31 in a manner that results in environmental  
32 residues in excess of the standards set under

1 section 607-A, subsection 2. Selective destruc-  
2 tion of sensitive indicator organisms shall be  
3 prima facie evidence of a violation of these  
4 standards; or

5 H. For any person to misrepresent or inade-  
6 quately describe conditions necessary for the  
7 safe and proper use of pesticides.

8 Sec. 3. 7 MRSA §607-A is enacted to read:

9 §607-A. Review or registration

10 1. Review required. The commissioner shall  
11 review all chemical pesticides used in this State,  
12 in accordance with the requirements of this section.

13 This review shall be completed by January 1, 1986,  
14 for presently registered pesticides, and within 2  
15 years for pesticides that are registered after the  
16 effective date of this section.

17 2. Standards. In cooperation with technical  
18 personnel of the Department of Environmental Protec-  
19 tion, the Department of Inland Fisheries and Wildlife  
20 and the Department of Human Services, the commis-  
21 sioner shall adopt, by rule, in conformance with the  
22 Maine Administrative Procedure Act, Title 5, chapter  
23 375, the following standards:

24 A. Maximum allowable environmental residues  
25 resulting from the application of chemical pesti-  
26 cides. These standards shall be established at  
27 concentrations less than concentrations that pro-  
28 duce measurable effects on indigenous plant or  
29 animal life;

30 B. Health risk, based on a health risk assess-  
31 ment of laboratory, clinical and epidemiological  
32 data available within and without the State. The  
33 commissioner may subpoena that data if he deter-  
34 mines that it is necessary to carry out the pur-  
35 poses of this chapter; and

36 C. Special restrictions on use in addition to  
37 label restrictions, including, but not limited  
38 to, restriction of applications near property

1 boundaries or water bodies, maximum allowable  
2 wind speed and droplet size for aerial applica-  
3 tions, and any other restrictions the commis-  
4 sioner determines are necessary to protect the  
5 public health, safety and welfare.

6 Sec. 4. 7 MRSA §611, sub-§3 is enacted to read:

7 3. Repeated violations. The commissioner shall  
8 record all violations of this chapter and Title 22,  
9 chapter 258-A, including the name of the owner of the  
10 land on which the pesticides were intended to be  
11 applied, the name of the licensed pesticides applica-  
12 tor and the name of the person who contracted the  
13 pesticide application services. The commissioner  
14 shall identify persons who repeatedly violate provi-  
15 sions relating to pesticide use and recommend to the  
16 Attorney General methods to prevent these repeated  
17 violations.

18 STATEMENT OF FACT

19 Under current Maine law, the Board of Pesticides  
20 Control has been charged with broad responsibilities  
21 for regulating the sale and application of chemical  
22 pesticides in the public interest. It does so in 2  
23 principal ways: The certification and licensing of  
24 pesticide applicators, supervisors and dealers; and  
25 registration and labeling requirements for the chemi-  
26 cals themselves. The board has no practical mecha-  
27 nisms for reviewing the behavior of pesticides under  
28 Maine climate and soil conditions, nor does it now  
29 have adequate authority to set and enforce specific  
30 standards for pesticide use in Maine.

31 This bill amends the Pesticide Control Act of  
32 1975, so as to strengthen the investigative,  
33 rulemaking, and enforcement powers of the Board of  
34 Pesticides Control. The bill:

35 1. Requires the Board of Pesticides Control to  
36 review the effects of all chemical pesticides used in  
37 Maine, with newly registered pesticides to be  
38 reviewed within 2 years;

39 2. Requires the board to establish enforceable  
40 standards for pesticide use, including:

1 A. Standards for pesticide residues in the envi-  
2 ronment, to be set at levels below those that  
3 produce measureable effects such as selective  
4 destruction of sensitive indicator organisms;

5 B. Assessment of health risk, with the board  
6 having the power to subpoena scientific data as  
7 needed; and

8 C. Special restrictions on pesticide use, such  
9 as buffer zones, wind speed or droplet size, as  
10 needed; and

11 3. Improves enforcement. The bill requires the  
12 board to include names of landowners, applicators and  
13 contractors in the record of violations, and to iden-  
14 tify and report violators. The bill makes it unlaw-  
15 ful to misrepresent or inadequately describe condi-  
16 tions necessary for the safe and proper use of pesti-  
17 cides.

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