

# MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2306

S.P. 848

In Senate, March 19, 1984

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Wood of York.

Cosponsor: Representative Michael of Auburn.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

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AN ACT to Amend the Act to  
Protect the Public from Unsafe  
Pesticide Use.

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by Public Law 1983, chapter 558, section 2, the Legislature enacted a prohibition on the application of pesticides resulting in off-target residues and ordered the Pesticides Control Board to establish standards to define what constitutes chemical trespass or off-target drift by June 1, 1984; and

Whereas, there are currently over 3,500 pesticide formulations used in Maine and it is not feasible to complete meaningful assessment of risks associated with nontarget residues within the June 1, 1984, deadline; and, therefore, it is not feasible to set

1 reasonable standards based on reliable information  
2 within that deadline; and

3 Whereas, necessary application of agricultural or  
4 silvacultural pesticides could be seriously impaired  
5 or potentially halted under Public Law 1983, chapter  
6 558, section 2, unless that enactment is repealed and  
7 replaced immediately; and

8 Whereas, the intent of the Legislature, in enact-  
9 ing Public Law 1983, chapter 558, was to insure that  
10 spraying takes place in a manner that reasonably pro-  
11 tects the public from unsafe and inappropriate pesti-  
12 cide uses; and

13 Whereas, there is continuing public concern about  
14 the application and safety of pesticides, particu-  
15 larly applications that may result in drift to nontarget  
16 areas and organisms leading to possible risks to hu-  
17 man health and the environment; and

18 Whereas, a study and a conference sponsored by  
19 the board reveals methods minimizing pesticide drift  
20 which are more feasible than those contemplated in  
21 Public Law 1983, chapter 558, section 2; and

22 Whereas, in the judgment of the Legislature,  
23 these facts create an emergency within the meaning of  
24 the Constitution of Maine and require the following  
25 legislation as immediately necessary for the preser-  
26 vation of the public peace, health and safety; now,  
27 therefore,

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

30 Sec. 1. 7 MRSA §606, sub-§2, ¶G, as enacted by  
31 PL 1983, c. 558, §2, is repealed

32 Sec. 2. 7 MRSA §606, sub-§2, ¶G, as enacted by  
33 PL 1983, c. 558, §2, is repealed and the following  
34 enacted in its place:

35 G. For any person to apply pesticides in a man-  
36 ner inconsistent with rules for pesticide appli-  
37 cation adopted by the board, which rules are de-

1       signed to minimize pesticide drift to the maximum  
2       extent practicable under currently available  
3       technology. Without limitation, these rules may  
4       prescribe procedures to be used for the applica-  
5       tion of pesticides, including the time, place,  
6       manner and method of that application, may re-  
7       strict or prohibit use of pesticides in desig-  
8       nated areas or during specified periods of time,  
9       and may prescribe tolerance levels for pesticide  
10       residues in off-target areas. The board shall  
11       propose the rules by January 15, 1985.

12       **Emergency clause.** In view of the emergency cited  
13       in the preamble, this Act shall take effect when ap-  
14       proved.

15                               STATEMENT OF FACT

16       This bill repeals a prohibition on all applica-  
17       tion of pesticides which may result in any off-target  
18       residue and substitutes a requirement that the board  
19       issue regulations to minimize pesticide drift to the  
20       extent possible by currently available technology.  
21       The statutory language provides direction to the  
22       board in establishing the standards. This bill will  
23       require no additional funding.

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