

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 372

6
7 S.P. 133

In Senate, January 31, 1985

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

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Brown of Washington.

11 Cosponsored by Representative Michael of Auburn and Representative
McCollister of Canton.

12 STATE OF MAINE
13

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

17 AN ACT to Provide for Licensing of
18 Companies Who Apply Pesticides as Custom or
19 Commercial Applicators.
20

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

23 Sec. 1. 22 MRSA §1471-C, sub-§23-B, as enacted
24 by PL 1984, c. 819, Pt. A, §41, is amended to read:

25 23-B. Spray contracting firm. "Spray contract-
26 ing firm" means a person, as defined in this section,
27 employed or contracted to conduct a public or private
28 ~~forest insect aerial spray~~ spray pesticide application.
29 This term does not include the owner or lessee of
30 land to be sprayed, employees of that landowner or
31 lessee, the Bureau of Forestry, the employees of the
32 Bureau of Forestry or individuals who are certified
33 as commercial applicators.

Sec. 2. 22 MRSA §1471-D, sub-§1, 1B, as enacted by PL 1984, c. 819, Pt. A, §42, is amended to read:

B. No spray contracting firm may use or supervise the use of any pesticide in a major or minor forest insect aerial spray application project within the State without prior certification from the board.

STATEMENT OF FACT

Currently, the Board of Pesticides Control licenses individual pesticide applicators. It does not license the commercial pesticide application companies which employ these individuals. It is recognized that the performance of an employee of such a company is controlled by the company. Company management policies, company equipment, company training and company supervision are all essential for assuring safe and environmentally sound practices.

Failure of compliance with pesticide regulations by individual applicators is not simply the responsibility of the applicator. In many cases, company management shares that responsibility, but may, under current law, continue work by employing an alternate applicator to take the place of the applicator whose license has been suspended for noncompliance.

This bill provides a mechanism for assuring responsible action by the parent company. It broadens the authority of the Board of Pesticides Control over spray contracting firms by requiring the licensing of all such companies and thus providing better regulatory control.

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