

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1699

6
7 S.P. 661

In Senate, December 20, 1985

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Received by the Secretary of the Senate on December 20, 1985. Referred
11 to the Committee on Agriculture and 1,600 ordered printed pursuant to Joint
Rule 14.

Presented by President Pray of Penobscot. JOY J. O'BRIEN, Secretary of the Senate

11 Cosponsored by Senator Black of Cumberland, Representative Trady of
Palmyra and Representative Sherburne of Dexter.

12 STATE OF MAINE
13

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

17 AN ACT to Coordinate Board of Pesticides
18 Control Registration.
19

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

22 7 MRSA §607, sub-§8, ¶A, as enacted by PL 1975,
23 c. 382, §3, is amended to read:

24 A. Provided the State is certified by the Admin-
25 istrator of EPA the United States Environmental
26 Protection Agency to register pesticides pursuant
27 to Section 24(c) of FIFERA, the commissioner shall
28 consider the required information set forth under
29 subsections 2, 3, 4 and 5 and shall, subject to
30 the terms and conditions of the EPA United States
31 Environmental Protection Agency certification,
32 register such pesticide if he determines that:

33 (1) Its composition is such as to warrant
34 the proposed claims for it;

1 (2) Its labeling and other material re-
2 quired to be submitted comply with the re-
3 quirements of this subchapter;

4 (3) It will perform its intended function
5 without unreasonable adverse effects on the
6 environment;

7 (4) When used in accordance with widespread
8 and commonly recognized practice, it will
9 not generally cause unreasonable adverse ef-
10 fects on the environment; and

11 (5) A special local need for the pesticide
12 exists.

13 If, within 90 days from the date the completed
14 application for registration is submitted, the
15 commissioner fails to act upon an application for
16 registration of a pesticide, which has been cer-
17 tified by the United States Environmental Protec-
18 tion Agency, the pesticide shall be deemed regis-
19 tered under this chapter, unless the commissioner
20 issues a written statement containing the reasons
21 for the failure to act upon the application. The
22 statement of the commissioner shall be considered
23 a refusal to register pursuant to section 609.

24 The provisions of this paragraph do not apply if
25 the registrant fails to provide any information
26 required to be submitted under this chapter or
27 unreasonably refuses to provide other necessary
28 information requested by the commissioner.

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STATEMENT OF FACT

2 This bill requires the Maine Board of Pesticides
3 Control to act upon an application for registration
4 of a pesticide that has received approval from the
5 United States Environmental Protection Agency within
6 90 days from the date the application is properly
7 submitted to the board. At present, there is no time
8 limit for the board to act. This has resulted in un-
9 reasonable delays in registering pesticides which
10 have already been approved for use by the United
11 States Environmental Protection Agency.

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