

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 661, L.D. 1699)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2091

8 S.P. 831

In Senate, February 28, 1986

9 Reported by Senator Black of Cumberland from the Committee on
10 Agriculture and printed under Joint Rule 2.

11 Original bill sponsored by President Pray of Penobscot. Cosponsored by
Senator Black of Cumberland, Representative Tardy of Palmyra and
Representative Sherburne of Dexter.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Coordinate Board of Pesticides
19 Control Registration.
20

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

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

25 A. Provided the State is ~~certified~~ authorized by
26 the Administrator of EPA the United States Envi-
27 ronmental Protection Agency to register pesti-
28 cides pursuant to ~~Section~~ Sections 24(a) and
29 24(c) of FIFRA, the ~~commissioner~~ board shall con-
30 sider the required information set forth under
31 subsections 2, 3, 4 and 5 and shall, subject to
32 the terms and conditions of the EPA United States
33 Environmental Protection Agency certification,
34 register such pesticide if ~~he~~ it determines that:

35 (1) Its composition is such as to warrant
36 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 180 days from the date the completed
14 application for registration is submitted, the
15 Board of Pesticides Control fails to act upon an
16 application for registration of a pesticide which
17 has been certified by the United States Environ-
18 mental Protection Agency the pesticide shall be
19 deemed registered under this chapter, unless the
20 Board of Pesticides Control issues a written
21 statement containing the reasons for the failure
22 to act upon the application. The statement of
23 the Board of Pesticides Control shall be consid-
24 ered a refusal to register pursuant to section
25 609.

26 This paragraph does not apply if the registrant
27 fails to provide any information required to be
28 submitted under this chapter or does not provide
29 other information requested by the Board of Pes-
30 ticides Control in order to determine whether the
31 pesticide should be registered.

32 The preceding paragraph does not affect the
33 rights of the Board of Pesticides Control to make
34 further inquiry regarding the registration of a
35 pesticide or to refuse reregistration, suspend or
36 revoke registration or otherwise restrict or con-
37 dition the use of pesticides in order to protect
38 public health and the environment.

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STATEMENT OF FACT

2 This new draft requires the 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
6 180 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.

9 An additional sentence is added to insure that
10 the authority of the Board of Pesticides Control is
11 maintained to take appropriate action in order to
12 protect the public health and the environment.

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