

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1449

H.P. 1066 House of Representatives, May 6, 1987
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WEYMOUTH of West Gardiner.

Cosponsored by Representatives MCGOWAN of Canaan,
HOLLOWAY of Edgecomb, and JACQUES of Waterville.

STATE OF MAINE

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

1 AN ACT to Establish an Exemption from the
2 Waste Water Discharge Licensing
3 Requirement for Certain Holders of
4 Aquatic Pesticide Permits.
5

6 Emergency preamble. Whereas, Acts of the Legis-
7 lature do not become effective until 90 days after
8 adjournment unless enacted as emergencies; and

9 Whereas, the 90-day period may not terminate un-
10 til after the end of the summer months; and

11 Whereas, the trustees of public water supplies
12 must take effective measures to protect the health
13 and well-being of citizens who rely upon such sup-
14 plies; and

1 Whereas, nuisance growths of algae in such water
2 supplies may most effectively be controlled by the
3 application of copper sulfate to them during the sum-
4 mer months; and

5 Whereas, the Department of Inland Fisheries and
6 Wildlife needs to be able to apply rotenone to cer-
7 tain waters of the State during the summer and fall
8 of 1987 in order to protect and maintain the well-
9 being of the fisheries thereof; and

10 Whereas, the Board of Environmental Protection
11 now lacks the statutory authority to allow the use of
12 the aquatic pesticides for the purposes described of
13 this Act; and

14 Whereas, in the judgment of the Legislature,
15 these facts create an emergency within the meaning of
16 the Constitution of Maine and require the following
17 legislation as immediately necessary for the preser-
18 vation of the public peace, health and safety; now,
19 therefore,

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

22 38 MRSA §413, sub-§2-E is enacted to read:

23 2-E. Exemptions; pesticide permits. The follow-
24 ing activities have been determined to have no sig-
25 nificant adverse effect on the quality of the waters
26 of the State and do not need to obtain an aquatic
27 pesticide permit from the Department of Environmental
28 Protection:

29 A. The application of aquatic pesticides by the
30 Department of Inland Fisheries and Wildlife to
31 waters of the State for the purpose of
32 restocking, including the elimination of undesir-
33 able species; or

34 B. The treatment of public water supplies by the
35 application of copper sulfate or copper sulfate
36 compounds where those water supplies are closed
37 to swimming and fishing.

1 Emergency clause. In view of the emergency cited
2 in the preamble, this Act shall take effect at the
3 close of the First Regular Session of the 113th Leg-
4 islatre or July 1, 1987, whichever comes first.

5 STATEMENT OF FACT

6 In 1979, a series of legislative changes to the
7 Maine Revised Statutes, Title 38, section 413, sub-
8 section 2-A, inadvertently resulted in the repeal of
9 the Board of Environmental Protection's authority to
10 issue licensing exemptions for use of aquatic pesti-
11 cides by holders of permits from the Board of Pesti-
12 cides Control. This bill restores licensing exemp-
13 tions for 2 limited uses of aquatic pesticides.
14 These uses are reclamation of waters of the State by
15 the Department of Inland Fisheries and Wildlife and
16 control of algae in water bodies used only as public
17 water supplies. In order to avoid unwarranted delays
18 in the use of such measures for the purposes of pro-
19 tecting public water supplies and the State's fisher-
20 ies, it is essential that this bill take effect by
21 late June at the latest. In both of these situa-
22 tions, aquatic pesticides would be used under the
23 close control of professional applicators licensed by
24 the Board of Pesticides Control.

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