

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1557

S.P. 514

In Senate, May 14, 1987

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

Reference to the Committee on Agriculture suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BLACK of Cumberland.

Cosponsored by Representative WHITCOMB of Waldo, Representative PARENT of Benton.

STATE OF MAINE

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

1 **AN ACT to Improve the Ability of the**
2 **Department of Agriculture, Food and**
3 **Rural Resources to Respond**
4 **Constructively to Complaints of Insect**
5 **Infestation.**
6

7 Be it enacted by the People of the State of Maine as
8 follows:

9 17 MRSA §2701-A, as amended by PL 1981, c. 571,
10 §§1 and 2, is repealed and the following enacted in
11 its place:

12 §2701-A. Action against insect infestation

13 The Commissioner of Agriculture, Food and Rural
14 Resources, or his designee, shall investigate com-
15 plaints of insect infestations.

1 If the commissioner or his designee finds that
2 an insect infestation arises from other than general-
3 ly accepted agricultural practices and has reason to
4 believe that the infestation is a public nuisance and
5 if he is able to identify the source or sources of
6 the infestation, he shall provide to the person re-
7 sponsible for the infestation a description of the
8 changes necessary to conform the person's practices
9 to generally accepted agricultural practices, shall
10 determine whether the changes have been made and
11 shall give the complainant and the person responsible
12 the written findings of the initial investigation and
13 the follow-up determination. If the person responsi-
14 ble does not adopt generally accepted agricultural
15 practices, the commissioner or his designee shall re-
16 fer the matter to the Attorney General. The Attor-
17 ney General may institute an action to abate the nui-
18 sance and the court may order the abatement with
19 costs as provided under this chapter. When the com-
20 missioner or his designee, upon investigation, finds
21 that the person responsible for an infestation is
22 following generally accepted agricultural practices,
23 he shall advise the complainant and the person re-
24 sponsible in writing.

25 The commissioner shall adopt rules, according to
26 the requirements of the Maine Administrative Proce-
27 dure Act, Title 5, chapter 375, for the interpreta-
28 tion and implementation of this section.

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STATEMENT OF FACT

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Current law mandates that the Department of Agriculture, Food and Rural Resources refer complaints of insect infestations to the Attorney General. This bill establishes a procedure for the investigation of such complaints by the department when they are related to agricultural activities and for working with the person responsible to improve the agriculture practices in question when those practices do not conform to generally accepted agricultural practices. When generally accepted practices are not adopted by the person responsible, the matter shall be referred to the Attorney General. In cases when generally accepted agricultural practices are being followed, the department shall notify the complainant as well as the person responsible. This bill also removes the department's responsibility in cases not involving agricultural activities.

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