

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 93, L.D. 102)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1833

H.P. 1341 House of Representatives, June 12, 1987
Reported by Representative TARDY from the Committee on
Agriculture and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative TARDY of
Palmyra. Cosponsored by Representatives PARENT of Benton and
HUSSEY of Milo.

STATE OF MAINE

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

1 Resolve, to Study the Need for Uniformity in
2 Pesticide Regulation.
3

4 Emergency preamble. Whereas, Acts and resolves
5 of the Legislature do not become effective until 90
6 days after adjournment unless enacted as emergencies;
7 and

8 Whereas, both State Government and Federal Gov-
9 ernment regulate the distribution and use of pesti-
10 cides; and

11 Whereas, municipalities are unsure whether state
12 and federal regulations sufficiently protect their
13 citizens and their environment from the potential
14 hazards of pesticide use; and

1 Whereas, increasing of municipal regulation of
2 pesticides has the potential for causing farmers
3 large losses in crops and income; and

4 Whereas, in the judgment of the Legislature,
5 these facts create an emergency within the meaning of
6 the Constitution of Maine and require the following
7 legislation as immediately necessary for the preser-
8 vation of the public peace, health and safety; now,
9 therefore, be it

10 **Findings. Resolved:** That the Legislature finds
11 that questions have been arising recently about the
12 regulation of pesticides. There is widespread concern
13 in the agricultural community that increased municip-
14 al regulation of pesticides will create an uneven
15 regulatory environment for farmers. Farmers could ex-
16 perience a severe impact because their ability to
17 compete in regional and national markets depends on
18 the use of standard agricultural practices that in-
19 clude the use of pesticides. The Legislature finds
20 that at least one utility and one town have been in
21 conflict over the prohibition of right-of-way spray-
22 ing by the town's ordinance. The Legislature also
23 finds that some citizens are concerned over the ade-
24 quacy of state regulation alone and that questions
25 have arisen concerning the adequacy of federal regu-
26 lation and the appropriateness of more restrictive
27 state regulation; and be it further

28 **Study. Resolved:** That the Joint Standing Commit-
29 tee on Agriculture shall study the regulation of pes-
30 ticides, including any municipal regulation of the
31 labeling, distribution, storage, transportation, use
32 or disposal of pesticides. The study shall focus pri-
33 marily on the impact of municipal regulation on agri-
34 cultural use of pesticides, with some attention on
35 impacts to right-of-way spraying and other uses of
36 pesticides; and be it further

37 **Report. Resolved:** That the Joint Standing Com-
38 mittee on Agriculture shall report the findings and
39 recommendations of the study to the Second Regular
40 Session of the 113th Legislature by January 5, 1988,
41 together with any recommended legislation. The report
42 shall include: A review of the various ongoing
43 studies of pesticide regulation; a descriptive survey

1 of the present status of pesticide regulation, in-
2 cluding the relationship between the responsibilities
3 of the Federal Government, the various state agencies
4 and the municipalities; and a discussion of the le-
5 gal, economic, environmental and social welfare
6 impacts of the municipal regulation of pesticides and
7 a description of policies and methods capable of pro-
8 tecting the interests of citizens, municipalities,
9 farmers and other users of pesticides, including, but
10 not limited to, model guidelines for municipal regu-
11 lation and, if appropriate, legislation clarifying
12 state and municipal roles; and be it further

13 **Participation and staff assistance. Resolved:**
14 That participation and input will be requested from
15 interested groups, including the Board of Pesticides
16 Control, the Maine Municipal Association, the Maine
17 Farm Bureau Association and other agricultural orga-
18 nizations, the Natural Resources Council, Central
19 Maine Power Company and any other interested parties.
20 Staff assistance shall be requested from the Legisla-
21 tive Council; and be it further

22 **Compensation. Resolved:** That the Legislators
23 conducting the study shall receive the legislative
24 per diem, as defined in the Maine Revised Statutes,
25 Title 3, section 2, for each day's attendance and
26 shall receive reimbursement for expenses upon appli-
27 cation to the Executive Director of the Legislative
28 Council; and be it further

29 **Appropriation. Resolved:** That the following
30 funds are appropriated from the General Fund to carry
31 out the purposes of this resolve.

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34 Study Commission - Funding

35	Personal Services	\$2,640
36	All Other	4,000
37		
38	Total	<u>\$6,640</u>

1 Provides funds
2 for the study by
3 the Joint Stand-
4 ing Committee on
5 Agriculture, in-
6 cluding legisla-
7 tive per diem,
8 travel and re-
9 lated expenses,
10 notification of
11 public hearing
12 and printing of
13 the final re-
14 port.

15 **Emergency clause.** In view of the emergency cited
16 in the preamble, this resolve shall take effect when
17 approved.

18 **STATEMENT OF FACT**

19 This new draft replaces the original bill by a
20 study of municipal, state and federal roles in pesti-
21 cide regulation.

22 The purpose of this study will be to determine
23 the nature of current municipal pesticide regulations
24 and why these regulations are being enacted, to as-
25 sess the impacts of current municipal regulations on
26 agriculture, to assess current state regulations on
27 applications of agricultural pesticides and their ef-
28 fectiveness and to determine what state policies or
29 model regulations might be developed to address the
30 concerns of both municipalities and farmers.

31 It is anticipated that the study will be con-
32 ducted by a 5-member subcommittee of the Joint Stand-
33 ing Committee on Agriculture, with input from con-
34 cerned parties. Five subcommittee meetings, plus one
35 full committee meeting, are anticipated.

1 Two public hearings are planned, one in Presque
2 Isle and one in Turner.

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