

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2227

H.P. 1632 House of Representatives, February 10, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative GOULD of Greenville.  
Cosponsored by Representative TRACY of Rome.

STATE OF MAINE

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

AN ACT to Require Monitoring of  
Environmental Impacts by Persons who Spray  
Forestry Herbicides.

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5 Be it enacted by the People of the State of Maine as  
6 follows:

7 Sec. 1. 22 MRSA §1471-C, sub-§16-D is enacted  
8 to read:

9 16-D. Major forestry herbicide user. "Major  
10 forestry herbicide user" means a person who applies or

1 hires another person to apply forestry herbicides by  
2 aircraft to 500 acres or more in a calendar year.

3 Sec. 2. 22 MRSA §1471-G, sub-§3 is enacted to  
4 read:

5 3. Monitoring of forestry herbicide use. All  
6 major forestry herbicide users shall report annually  
7 to the board the results of ongoing environmental  
8 studies as required by section 1471-U. The report  
9 shall include, but not be limited to, the types and  
10 amounts of forestry herbicides used, the areas of use,  
11 the dates of applications, the results of prespray and  
12 postspray samples and such other information as the  
13 board, by rule, may require.

14 Sec. 3. 22 MRSA §1471-U is enacted to read:

15 §1471-U. Forestry herbicide environmental studies

16 1. Environmental studies required. Major  
17 forestry herbicide users shall monitor the  
18 environmental impacts of their use of forestry  
19 herbicides. Environmental monitoring shall include,  
20 but not be limited to, annual prespraying and  
21 postspraying tests of forestry herbicide residuals on  
22 randomly selected sample plots.

23 2. Responsibilities of the board. Before January  
24 1, 1989, the board:

25 A. Shall define pesticides that are considered  
26 forestry herbicides;

27 B. Shall develop rules that require sampling  
28 after a cutting operation but before initial  
29 herbicide spraying, sampling for a minimum of 2  
30 years after a forestry herbicide treatment on a  
31 spray plot, guidelines for sample design that will  
32 enable monitoring information to be used for  
33 scientific study and uniform testing procedures;

34 C. Shall consult with the University of Maine's  
35 College of Forest Resources and the Maine  
36 Agricultural Experiment Station in developing

1 annual report formats that will assist the  
2 University of Maine or public interest groups in  
3 conducting research on the environmental impacts  
4 of forestry herbicide use on surface water, ground  
5 water, target and nontarget plant species,  
6 wildlife and soil chemistry;

7 D. May require additional sampling and study as  
8 necessary to assist in providing answers to  
9 questions about the environmental impacts of  
10 individual forestry herbicides; and

11 E. Shall report to the legislative committee  
12 having jurisdiction over pesticide regulation  
13 during the First Regular Session of each  
14 Legislature on the extent of forestry herbicide  
15 spraying, the results of the monitoring tests, the  
16 amount of research being assisted by this program,  
17 new information on the apparent effects of  
18 forestry herbicide spraying on the environment and  
19 any recommendations for changes in the program.

20 3. Effective date. This section and rules  
21 adopted pursuant to this section shall take effect on  
22 January 1, 1989.

23 STATEMENT OF FACT

24 This bil. addresses the current lack of  
25 information about the environmental effects of  
26 forestry herbicide application. The purpose is to  
27 provide for the safety of the general public and to  
28 preserve the forest environment for future  
29 generations. The bill requires major applicators of  
30 forestry herbicides to collect and make available data  
31 on forestry herbicide residues and other environmental  
32 impacts so that informed decisions about the need for  
33 basic research can be made. This data and its  
34 subsequent analysis will assist the Board of  
35 Pesticides Control in regulating the use of forestry  
36 herbicides.

37 Companies that use aircraft to apply forestry  
38 herbicides to 500 acres or more in a year would be

1 required to monitor the environmental impacts of their  
2 spray operations. Annual reports would be filed with  
3 the Board of Pesticides Control which would make the  
4 monitoring results available to researchers. The  
5 Board of Pesticides Control is required to develop  
6 sampling and testing standards and consult with the  
7 University of Maine to ensure that the monitoring  
8 information will be collected and reported in a manner  
9 useful for scientific studies. The effective date is  
10 January 1, 1989.

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