

MAINE STATE LEGISLATURE

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L.D. 2441

(Filing No. S-413)

STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 930, L.D. 2441,
Bill, "AN ACT to Require Farms to Post Notice of
Pesticides Used."

Amend the bill by striking out everything after
Section 1 and inserting in its place the following:

'Sec. 2. 7 MRSA §606-A is enacted to read:

§606-A. Notification

1. Pick-your-own harvest. The owner or operator of any farm that allows pick-your-own harvesting shall provide notice to potential pickers of any use or application of a pesticide. Notification shall be made before any picking begins.

2. Guidelines. The Board of Pesticides Control shall adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establishing procedures for the notification of each person who engages in pick-your-own harvesting, of the use or application of pesticides. The rules may:

A. Include notification requirements which differ by commodity or commodity group;

B. Include provisions for oral or written notification, or both; and

1 C. Provide for development by the Board of
2 Pesticides Control of written materials describing
3 the pesticides most likely to have been used, how
4 much time must lapse between the last application
5 of a particular pesticide and harvesting,
6 recommended precautions to limit the exposure to a
7 given pesticide of pregnant women, children or
8 other highly sensitive individuals and other
9 relevant information.

10 Sec. 3. Effective date. This Act shall take
11 effect on January 1, 1989. The Board of Pesticides
12 Control shall adopt rules to implement the provisions
13 of section 2 before April 15, 1989.

14 FISCAL NOTE

15 It is anticipated that all costs associated with
16 rulemaking, public hearings and other related expenses
17 would be absorbed by the Department of Agriculture,
18 Food and Rural Resources, utilizing existing
19 resources.'

20 STATEMENT OF FACT

21 The original bill required the owners or operators
22 of farms to notify both agricultural workers and
23 persons who entered the farm to pick their own produce
24 that pesticides were used on the farm.

25 In the amendment the requirement to notify
26 farmworkers is dropped in anticipation of regulations
27 from the United States Occupational Health and Safety
28 Administration that cover agricultural employee
29 notification. The amendment responds to public
30 testimony from farmers and the Department of
31 Agriculture, Food and Rural Resources that the
32 notification provisions of the original bill would
33 place the burden of educating consumers about
34 pesticide use on farmers and would dissuade customers
35 from pick-your-own harvesting. The amendment directs
36 the Board of Pesticides Control to adopt rules under
37 the Maine Administrative Procedure Act, the Maine
38 Revised Statutes, Title 5, chapter 375, which require
39 the notification of pick-your-own harvesters prior to

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COMMITTEE AMENDMENT "A " to S.P. 930, L.D. 2441

1 harvesting. Working out the notification provisions
2 in rulemaking will allow the board and interested
3 parties to find a way of protecting consumer health
4 without placing pick-your-own farms at a disadvantage
5 in selling their products.

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Reported by the Minority for the Committee on Agriculture.
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