

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2441

S.P. 930

In Senate, March 3, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Agriculture suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

STATE OF MAINE

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

AN ACT to Require Farms to Post Notice of
Pesticides Used.

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

6 Sec. 1. 7 MRSA §604, sub-§25-A is enacted to
7 read:

8 25-A. Pick-your-own harvest. "Pick-your-own

1 harvest" means any system in which a consumer enters
2 onto a farm for the purpose of harvesting fruits,
3 vegetables or other agricultural produce grown by the
4 owner or operator of that farm to be purchased by that
5 consumer.

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

7 §606-A. Notification

8 1. Pick-your-own harvest. Each person who
9 engages in pick-your-own harvesting shall be notified
10 of the use or application of any pesticide in the
11 following manner.

12 A. The owners or operators of any farm premises
13 shall post signs in and around those premises,
14 including at all points of ingress and egress,
15 which shall conspicuously state the following in
16 large type and bold face:

17 "PESTICIDES HAVE BEEN USED ON THESE PREMISES
18 WITHIN THE PAST 30 DAYS. FOR A LIST OF THE
19 CHEMICALS USED, AND A COPY OF THEIR LABEL
20 CAUTIONS, PLEASE CONTACT (name, address and
21 telephone number of owner or operator of farm
22 premises)."

23 B. The owners or operators of any farm premises
24 shall provide all persons engaged in pick-your-own
25 harvesting with written notice of the following at
26 the time of their initial entry onto the farm
27 premises:

28 (1) The date or dates of the previous
29 pesticide application;

30 (2) The area or areas of the farm premises
31 that have been sprayed;

32 (3) The pesticides used in the application;

33 (4) The precautions which appear on the
34 labels of those pesticides; and

1 (5) The name, address and telephone number
2 of the owners or operators of the farm and
3 any other person responsible for the
4 pesticide application from whom more specific
5 information regarding pesticide application
6 areas, times and precautions may be obtained.

7 2. Violations. Any person who fails to provide
8 notice in accordance with this section shall be
9 subject to the penalties provided for in section 616.

10 Sec. 3. 22 MRSA §1471-C, sub-§1-A is enacted to
11 read:

12 1-A. Agricultural worker. "Agricultural worker"
13 means an employee or independent contractor engaged in
14 agriculture as defined in Title 39, section 2,
15 subsection 12, including persons employed as seasonal
16 or casual agricultural workers. For purposes of this
17 chapter:

18 A. "Casual" means occasional or incidental; and

19 B. "Seasonal" refers to workers engaged in
20 agricultural employment beginning at or after the
21 commencement of the planting or seeding season and
22 ending at or before the completion of the harvest
23 season.

24 Sec. 4. 22 MRSA §1471-U is enacted to read:

25 §1471-U. Notification of agricultural workers

26 1. Notification. All agricultural workers shall
27 be notified of the use or application of any pesticide
28 or restricted use pesticide, as defined in section
29 1471-C, subsections 19 and 23, on any farm premises in
30 the following manner.

31 A. The owners or operators of any farm premises
32 shall post signs in and around those premises,
33 including at all points of ingress and egress,
34 which shall conspicuously state the following in
35 large type and bold face:

1 "PESTICIDES HAVE BEEN USED ON THESE PREMISES
2 WITHIN THE PAST 30 DAYS. FOR A LIST OF THE
3 CHEMICALS USED, AND A COPY OF THEIR LABEL
4 CAUTIONS, PLEASE CONTACT (name, address and
5 telephone number of owner or operator of farm
6 premises)."

7 B. The owners or operators of any farm premises
8 shall provide all agricultural workers with
9 written notice of the following at the time of
10 their employment:

11 (1) The date or dates of the previous
12 pesticide application;

13 (2) The anticipated date or dates and times,
14 if known, of the next pesticide application;

15 (3) The area or areas of the farm premises
16 that have been sprayed or will be sprayed;

17 (4) The pesticides used or to be used;

18 (5) The precautions which appear on the
19 labels of those pesticides; and

20 (6) The name, address and telephone number
21 of the owners or operators of the farm and
22 any other person responsible for the
23 pesticide application from whom more specific
24 information regarding pesticide application
25 areas, times and precautions may be obtained.

26 C Each agricultural worker shall be notified in
27 writing of any impending or proposed pesticide
28 application within 72 hours of that application.
29 The notice shall contain the information specified
30 in paragraph B, subparagraphs (2) to (6).

31 D. For any agricultural worker whose primary
32 language is not English, the written notice
33 required by paragraphs B and C shall be in that

1 worker's primary language. If any worker is
2 unable to read or write, or is otherwise unable to
3 understand the written notice, the substance of
4 that notice shall be orally communicated to that
5 worker in the worker's primary language.

6 2. Violations. Any person who fails to provide
7 notice in accordance with this section shall be
8 subject to the penalties provided for in section
9 1471-J.

10 3. Pick-your-own harvest. Notification of
11 purchasers who are responsible for the harvest of
12 their own agricultural produce shall be made in
13 accordance with Title 7, section 606-A.

14 STATEMENT OF FACT

15 This bill requires the owners or operators of
16 farms to notify both agricultural workers and persons
17 who enter the farm to pick their own produce of the
18 use of pesticides on that farm.

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