

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 72

S.P. 46

In Senate, December 26, 1990

Reported by Senator KANY of Kennebec for the Commission to Study the Use of Herbicides pursuant to Resolve 1989, chapter 98.

Reference to the Committee on Agriculture suggested and ordered printed pursuant to Joint Rule 19.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act Regarding the Forestry, Natural Habitat, Water Quality and
Environmental Impacts of Pesticide Use.**



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

2
4 **Sec. 1. 7 MRSA §530-A** is enacted to read:

6 **§530-A. Prohibition on sales**

8 A person may not sell or offer for sale any produce treated
10 with a pesticide for which the board has refused, cancelled or
12 suspended registration under section 608, subsection 3 or section
14 609. A person violating this section is guilty of a civil
16 violation under section 616-A.

18 **Sec. 2. 7 MRSA §616-A, sub-§2**, as enacted by PL 1989, c. 841,
20 §3, is amended to read:

22 **2. Violations.** Except as provided in subsection 4, a
24 person violating any provisions of this subchapter or Title 22,
26 chapter 258-A or rules adopted pursuant to this subchapter or
28 Title 22, chapter 258-A commits a civil violation for which the
30 following ~~fe~~feitures civil penalties may be adjudged:

32 A. For the first violation, a ~~fe~~feiture penalty not to
34 exceed ~~\$1,500~~ \$5,000; and

36 B. For each subsequent violation within a 4-year period, a
38 ~~fe~~feiture penalty not to exceed ~~\$4,000~~ \$10,000.

40 **Sec. 3. 7 MRSA §616-A, sub-§5**, as enacted by PL 1989, c. 841,
42 §3, is amended to read:

44 **5. Criminal violations.** Any person who intentionally or
46 knowingly violates any provision of this subchapter or Title 22,
48 chapter 258-A, any rules adopted under this subchapter or Title
50 22, chapter 258-A or any restriction of a registration issued
pursuant to this subchapter commits a crime punishable by a fine
not to exceed ~~\$7,500~~ \$25,000 and is subject to imprisonment not
to exceed ~~30--days~~ 6 months, or both, for each violation.
Prosecution under this subsection is by summons and not by
warrant. A prosecution under this subsection is separate from
any action pursued under subsections 2 and 4.

Sec. 4. 7 MRSA §616-A, sub-§10, as enacted by PL 1989, c. 841,
§3, is repealed.

Sec. 5. 7 MRSA §625, first ¶, as enacted by PL 1987, c. 702,
§1, is amended to read:

 Any public utility or the Department of Transportation,
which maintains a right-of-way through a municipality shall offer
a no-spray agreement, with reasonable provisions, for the
municipality to consider if it desires. Any agreement negotiated

2 may include, but is not limited to, the responsibilities of the
3 parties, ~~the allocation of costs~~ and the rights and remedies of
4 the parties in the event of default and may apply to all or any
5 part of the right-of-way within the municipality. Any agreement
6 reached under this section must be negotiated in good faith,
7 written and signed by all parties. As part of the no-spray
8 agreement, the municipality may either perform the vegetation
9 control work to standards as provided in the agreement, or else
10 contract with the public utility or the Department of
11 Transportation to conduct the work. If a municipality agrees to
12 perform the vegetation control work under a no-spray agreement,
13 the utility or the Department of Transportation shall pay the
14 municipality an amount equal to the utility's or Department of
15 Transportation's cost of maintaining vegetation control using
16 pesticides in the area specified in the agreement. If the
17 municipality contracts with a utility or the Department of
18 Transportation to conduct vegetation control work under a
19 no-spray agreement, the utility or the Department of
20 Transportation shall discount the cost of the vegetation control
21 service provided to the municipality by an amount equal to the
22 utility's or the Department of Transportation's cost of
23 maintaining vegetation control using pesticides in the area
24 specified in the agreement. Payment under this section must be
25 made at least annually if vegetative management maintenance has
26 been performed according to the conditions of the agreement.

27 **Sec. 6. 7 MRSA §2401 is enacted to read:**

28 **§2401. Agricultural Pesticide Research Fund**

29
30 **1. Fund created.** The Agricultural Pesticide Research Fund,
31 referred to in this section as the "fund," is established within
32 the Department of Agriculture, Food and Rural Resources for the
33 purpose of funding research by the University of Maine or the
34 Cooperative Extension Service relating to the agricultural use of
35 pesticides and alternatives to agricultural pesticide use. The
36 commissioner shall use the fund for research in the following
37 areas:

- 38
39
40 **A. Integrated pest management;**
- 41
42 **B. Integrated crop management;**
- 43
44 **C. Low input sustainable agriculture; or**
- 45
46 **D. Best management practices.**

47
48 **2. Administration.** The fund is a nonlapsing fund and
49 unexpended balances may carry forward into subsequent years. The
50 commissioner may credit funds received from any source to the
fund if these funds are used for the purposes established under

2 this section. The commissioner shall report to the Governor, the
3 joint standing committee of the Legislature having jurisdiction
4 over agricultural matters and the Executive Director of the
5 Legislative Council on the use of the funds every 2 years,
6 beginning on September 15, 1992.

7 3. Rules. The commissioner shall adopt rules to implement
8 this section by January 1, 1992.

9 Sec. 7. 12 MRSA §8876, sub-§§4 and 5, as enacted by PL 1989, c.
10 875, Pt. J, §10, are amended to read:

11 4. Potential shortfalls. Identify potential shortfalls in
12 forest resources and the management actions necessary in the
13 public and private sector to avoid shortfalls; and

14 5. Recommendations. Recommend to the Governor and the
15 Legislature the administrative and legislative policies or
16 actions needed to refine or redirect state agency programs and
17 stimulate or remove obstacles to private sector action in a
18 manner that contributes to an adequate supply of natural
19 resources; and

20 Sec. 8. 12 MRSA §8876, sub-§6 is enacted to read:

21 6. Research. Identify and fund research relating to the
22 use of pesticides in the forest.

23 Sec. 9. 12 MRSA §8877-A is enacted to read:

24 §8877-A. Forest Pesticide Research Fund

25 1. Fund created. The Forest Pesticide Research Fund,
26 referred to in this section as the "fund," is established within
27 the Forest Resource Assessment Program for the purpose of funding
28 research needs identified by the council in the following areas:

29 A. The long-term response of preferred tree species to
30 chemical release and chemical site preparation;

31 B. The comparative costs and yields of forestry harvesting
32 systems, with and without chemicals, over a rotation;

33 C. The persistence of pesticides in the Maine forest
34 environment;

35 D. The impact of clear-cutting and chemical release on the
36 forest nutrient cycle; or

37 E. The immediate and long-term direct and indirect impacts
38 of pesticide use on wildlife and wildlife habitat diversity.

2 **2. Administration.** The fund is a nonlapsing fund and
4 unexpended balances carry forward into subsequent years. The
6 commissioner may credit funds received from any source to the
fund if these funds are used for the purposes established under
this section.

8 **3. Rules.** The commissioner shall adopt rules to implement
10 this section by January 1, 1992.

12 **Sec. 10. 22 MRSA §1471-A**, as amended by PL 1983, c. 542, §§1
and 3, is further amended to read:

14 **§1471-A. Purpose and policy**

16 For the purpose of assuring to the public the benefits to be
18 derived from the safe, scientific and proper use of chemical
pesticides while safeguarding the public health, safety and
20 welfare, and for the further purpose of protecting natural
resources of the State, it is declared to be the policy of the
22 State of Maine to regulate the sale and application of chemical
insecticides, fungicides, herbicides and other chemical
24 pesticides, and to regulate the return and disposal of limited
and restricted use pesticide containers. It is the policy of the
State to regulate pesticides to reduce the harmful effects of
pesticides and to encourage, through education and other
appropriate means, the reduction of and alternatives to pesticide
28 use.

30 **Sec. 11. 22 MRSA §1471-B, sub-§1**, as amended by PL 1989, c.
503, Pt. B, §83, is further amended to read:

32 **1. Board established.** The Board of Pesticides Control is
34 established by Title 5, section 12004-D, subsection 3, within the
Department of Agriculture, Food and Rural Resources. Except as
36 provided in this chapter, the board ~~shall be composed~~ consists of
7 members, appointed by the Governor, subject to approval by the
38 joint standing committee of the legislature Legislature having
jurisdiction over the ~~subject of agriculture~~ agricultural matters
40 and confirmation by the Legislature. To provide the knowledge
and experience necessary for carrying out the duties of the
42 board, one person shall must be appointed who has practical
experience and knowledge in chemical use in the field of
44 agriculture, one who has practical experience and knowledge in
chemical use in the field of forest management, a ~~commercial~~
46 ~~applicator~~ trained ecologist, a person from the medical
community, a scientist from the University of Maine System
48 specializing in agronomy or entomology having practical
experience and knowledge of integrated pest management and 2
50 persons appointed to represent the public. ~~The--2--members~~
~~appointed to represent the public shall~~ Members must be selected

2 to represent different geographic areas of the State. The term
3 shall be ~~is~~ for 4 years, except that of the initial appointees, 2
4 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall
5 serve 2-year terms and one shall serve a one-year term. Any
6 vacancy shall ~~must~~ be filled by an appointment for the remainder
7 of the unexpired term.

8 Sec. 12. 22 MRSA §1471-B, sub-§§9 and 10 are enacted to read:

10 9. Conflict of interest. Members of the board are governed
11 by the conflict of interest provisions in Title 5, section 18.

12 10. Members; suspension and removal. The director shall
13 immediately notify the board of any investigation of an alleged
14 violation of this chapter or rules adopted under this chapter
15 that involves a member of the board. Upon notification, if the
16 member involved in the investigation has previously been found
17 guilty of 2 or more civil violations of this chapter or if the
18 allegations may involve a criminal violation of this chapter, the
19 member under investigation is suspended from the board and may
20 not attend any meeting of the board or participate in any matter
21 before the board until:

24 A. The director notifies the board that the investigation
25 has been terminated without referral to the board; or

26 B. The board, upon completion of an investigation by the
27 director, determines whether or not a violation occurred.

30 A member found guilty of a criminal violation or 3 or more civil
31 violations of this chapter or rules adopted under this chapter is
32 removed from the board.

34 Sec. 13. 22 MRSA §1471-C, sub-§2-A is enacted to read:

36 2-A. Applicator. "Applicator" means any person who is a
37 certified commercial applicator or a certified private applicator.

38 Sec. 14. 22 MRSA §1471-C, sub-§8-A is enacted to read:

40 8-A. EPA registration number. "EPA registration number"
41 means the registration number assigned to a pesticide product by
42 the United States Environmental Protection Agency pursuant to its
43 authority under FIFRA.

46 Sec. 15. 22 MRSA §1471-C, sub-§20-A is enacted to read:

48 20-A. Pesticide user. "Pesticide user" means any person
49 who applies any pesticide, except a pesticide that is a household
50 use pesticide product, while under the direct supervision of a
certified applicator.

2 **Sec. 16. 22 MRSA §1471-D, sub-§2-C** is enacted to read:

4 **2-C. Certification required; pesticide users.** After
5 **January 1, 1993,** a person may not apply a pesticide that is not a
6 **household use pesticide product unless:**

8 **A. That person is a certified pesticide applicator; or**

10 **B. That person has been certified as a pesticide user by the**
11 **board.**

12 **The board shall adopt rules governing the training and**
13 **certification standards for pesticide users by January 1, 1992.**
14 **Rules adopted by the board may allow qualified agencies or**
15 **institutions to train and certify pesticide users if the board**
16 **approves the training standards to be used.**

18 **Sec. 17. 22 MRSA §1471-G, sub-§2,** as amended by PL 1983, c.
19 819, Pt. A, §50, is repealed and the following enacted in its
20 place:

22 **2. Applicators and firms to keep records.** All applicators
23 **and spray contracting firms shall keep contemporaneous records of**
24 **each pesticide application. A record must include:**

26 **A. The product name and EPA registration number of each**
27 **pesticide used;**

28 **B. The amount of each pesticide used by weight;**

30 **C. The date and location of the application;**

32 **D. The number of acres of each crop type treated during the**
33 **application;**

34 **E. The method of application; and**

36 **F. Any other appropriate information required by the board**
37 **by rule.**

38 **An applicator shall retain a pesticide application record for a**
39 **period of at least 6 years.**

41 **Sec. 18. 22 MRSA §1471-G, sub-§§3 and 4** are enacted to read:

43 **3. Applicators and firms to report to the board.** All
44 **commercial applicators and spray contracting firms shall submit**
45 **quarterly pesticide application reports to the board by the 15th**
46 **day of January, April, July and October of each year. All**

2 private applicators shall submit annual pesticide application
3 reports to the board by the 15th day of January of each year. A
4 pesticide application report must include, but is not limited to,
5 the following:

6 A. The name, certification number and business address of
7 the applicator or spray contracting firm;

8 B. The beginning and ending date of the reporting period; and

9 C. For each pesticide used during the reporting period:

10 (1) The name and EPA registration number of the
11 pesticide;

12 (2) The total quantity of the pesticide used during the
13 reporting period by weight; and

14 (3) The total acres of each crop type treated with the
15 pesticide during the reporting period.

16 The board shall prescribe the report form to be used by
17 applicators and spray contracting firms. When reporting to the
18 board, applicators or spray contracting firms shall use the form
19 prescribed by the board.

20 By January 1, 1992, the board shall adopt rules to implement this
21 section. The board may require, by rule, that additional
22 information be included in pesticide application records or
23 reports.

24 4. Report to the Legislature. The board shall prepare a
25 comprehensive biennial report on pesticide use in the State. The
26 report must be submitted to the Governor, the joint standing
27 committee of the Legislature having jurisdiction over natural
28 resource matters and the Executive Director of the Legislative
29 Council by September 15th of each biennium, beginning in 1992.
30 The report must include:

31 A. A summary of reported pesticide use by sector and by
32 crop type during the previous 2 years;

33 B. A summary of significant regulatory actions taken by the
34 board during the previous 2 years;

35 C. A summary of significant pesticide regulatory actions by
36 Congress or the United States Environmental Protection
37 Agency during the previous 2 years; and

38 D. A summary of the progress of programs developed and
39 implemented by the board.

2 The report may include recommendations to the Legislature on
3 pesticide control policies including specific recommendations for
4 any legislative actions necessary to implement those policies.

6 **Sec. 19. 22 MRSA §1471-R, sub-§3, ¶A**, as enacted by PL 1983,
7 c. 819, Pt. A, §54, is amended to read:

8
9 A. If the project is a major forest insect aerial spray
10 application, as defined in section 1471-C, the notification
11 shall must be as follows.

12 ~~(1) At least 14 days, but not more than 30 days, prior~~
13 ~~to spray application, notice shall be published in a~~
14 ~~newspaper of general circulation in the area affected.~~
15 ~~The notice shall describe the proposed spray activity,~~
16 ~~the area to be sprayed, the pesticide to be used, the~~
17 ~~date or dates on which the spraying is proposed to take~~
18 ~~place, any public precautions which appear on the~~
19 ~~pesticide label and the name, address and telephone~~
20 ~~number of persons responsible for the activity from~~
21 ~~whom more specific information regarding spray areas~~
22 ~~and times may be obtained.~~

23
24 ~~(2) Any additions of spray blocks or changes in the~~
25 ~~choice of insecticides from the notification required~~
26 ~~pursuant to subparagraph (1) shall be published in a~~
27 ~~newspaper of general circulation in the area affected~~
28 ~~at least 24 hours before the change is effected.~~

29
30 (3) Notice shall must be conspicuously posted at each
31 point of major ingress and egress of the public into
32 the area to be sprayed, including, without limitation,
33 marked foot trails known to be used by the public and
34 roads accessible to 4-wheeled vehicles and open to the
35 public. ~~The notice shall contain the information~~
36 ~~described in subparagraph (1).~~ The board shall
37 determine the time period the notice shall must be
38 posted prior to the commencement and following the
39 completion of the spray project.

40
41
42 **Sec. 20. 22 MRSA §1471-R, sub-§3, ¶B**, as enacted by PL 1983,
43 c. 819, Pt. A, §54, is repealed.

44
45 **Sec. 21. 22 MRSA §1471-W, sub-§3**, as enacted by PL 1989, c.
46 93, §2, is amended to read:

47
48 **3. Records; reporting.** Any person licensed to distribute
49 general use pesticides shall keep and maintain records of annual
50 pesticide sales for all liquid products sold ~~in containers of one~~
51 ~~quart or more or solid products weighing 5 pounds or more.~~ Those
52 records shall must include the name of the pesticide, the
53 ~~concentration of active ingredients~~ EPA registration number of

the pesticide and the quantity sold, and shall be kept on a
2 calendar year basis. The records shall must be kept for 2 years
after the end of the calendar year. The board may not require
4 record keeping on the sale of household use pesticide products.
All general use pesticide dealers shall submit annually a report
6 to the board showing total sales volumes and weights of each
pesticide required to be recorded under this subsection. Reports
8 must be submitted on forms prescribed by the board.

10 Sec. 22. 22 MRSA §1471-X is enacted to read:

12 **§1471-X. Posting of areas treated with pesticides**

14 Any area treated with a pesticide by a pesticide applicator
must be posted by the applicator prior to treatment. Any area
16 treated with pesticides by aerial application methods must be
posted by the applicator in accordance with section 1471-R,
18 subsection 3. Any other area treated with pesticides must be
posted in accordance with rules adopted by the board under this
20 section.

22 The board shall adopt rules to implement this section by
January 1, 1992. Rules adopted by the board under this section
24 must establish reasonable timetables and standards for posting
any area treated with pesticides if those timetables and
26 standards ensure that a person entering a treated area is
informed by posting that the area is subject to treatment with
28 pesticides.

30 Any application of a pesticide product listed in section
1471-W, subsection 5 is exempt from the posting requirements of
32 this section.

34 Sec. 23. 22 MRSA §1472 is enacted to read:

36 **§1472. Pesticide ground water protection plan**

38 In cooperation with the Department of Environmental
Protection, the Department of Conservation and the Department of
40 Human Services, the board shall prepare a pesticide ground water
protection plan. The plan must be consistent with Title 38,
42 section 401 and must provide for ongoing monitoring for pesticide
residues in ground water aquifers susceptible to pesticide
44 contamination from the proximate and heavy use of pesticides or
the proximate use of pesticides with high leaching potential.

46
48 The board shall submit the plan to the Governor, the joint
standing committee of the Legislature having jurisdiction over
energy and natural resource matters and the Executive Director of
50 the Legislative Council by January 1, 1992.

2 **1. Ground Water Monitoring Fund.** The Ground Water
4 Monitoring Fund, referred to in this section as the "fund," is
6 established within the Board of Pesticides Control to carry out
8 the purposes of this section. The fund is a nonlapsing account
10 and unexpended balances carry forward into subsequent years. The
12 commissioner may credit funds received from any source to the
14 fund if these funds are used for the purpose established under
16 this section.

18 **2. Report.** The board shall include a summary of receipts
20 and expenditures from the fund in its biennial report to the
22 Legislature under section 1471-G.

24 **Sec. 24. 38 MRSA §480-L,** as affected by PL 1989, c. 890, Pt.
26 A, §40 and amended by Pt. B, §78 is further amended to read:

28 **§480-L. Research**

30 The commissioner, in cooperation with other state agencies,
32 is authorized to conduct research and studies to determine how
34 the resource values of resources of state significance can be
36 restored and enhanced.

38 **1. Alternatives to right-of-way pesticide use.** The
40 commissioner shall conduct research on alternatives to
42 right-of-way pesticide use for road-side vegetation control
44 including, but not limited to, research on the environmental and
46 economic costs and benefits of road-side mechanical vegetation
48 control and substitution planting.

50 **Sec. 25. Department of Transportation; pesticide research.** The
52 Commissioner of Transportation shall fund research conducted
54 under the Maine Revised Statutes, Title 38, section 480-L,
56 subsection 1, from funds allocated to the Highway Fund under
58 Title 23, section 1651.

60 **Sec. 26. Public utilities to research alternatives to right-of-way**
62 **pesticide use.** Public utilities organized under the Maine Revised
64 Statutes, Title 35-A shall conduct research on alternatives to
66 utility right-of-way pesticide use for vegetation control
68 including, but not limited to, research on the environmental and
70 economic costs and benefits of mechanical vegetation control and
72 substitution planting. A decision by a utility to conduct
74 research under this section is deemed to be prudent. The Public
76 Utilities Commission shall review public utility expenditures
78 under this section.

80 **Sec. 27. Transition.** Notwithstanding any other provision of
82 law, the following provisions apply to the Board of Pesticides
84 Control under the Maine Revised Statutes, Title 22, chapter 258-A.

2 1. All rules adopted under Title 22, chapter 258-A that do
4 not conflict with the provisions of this Act remain in effect
6 until rescinded or amended by the Board of Pesticides Control or
overturned by a court of law.

8 2. This Act has no effect on the terms of appointment of
10 members of the Board of Pesticides Control except that, on the
12 effective date of this Act, the member of the Board of Pesticides
Control appointed as a commercial applicator is removed, to be
replaced by the Governor with a trained ecologist under the
provisions of Title 22 chapter 258-A.

14 **Sec. 28. Appropriation.** The following funds are appropriated
16 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Agricultural Pesticide Research Fund		
24 All Other	\$300,000	
26 Provides funds to establish 28 the Agricultural Pesticide Research Fund.		
Ground Water Monitoring Fund		
32 All Other		\$75,000
34 Provides funds to establish 36 the Ground Water Monitoring Fund.		
Board of Pesticides Control		
40 Positions	(4.5)	(4.5)
42 Personal Services	\$92,060	\$134,080
All Other	6,750	9,000
44 Capital	7,500	
TOTAL	<u>\$106,310</u>	<u>\$143,080</u>
46 Provides funds for a 48 toxicologist, an assistant toxicologist, a programmer 50 analyst, a data entry		

2	specialist, a part-time data		
	entry specialist, general		
4	operating expenses and		
	computer equipment.		
6	DEPARTMENT OF AGRICULTURE,		
	FOOD AND RURAL RESOURCES		
8	TOTAL	<u>\$406,310</u>	<u>\$218,080</u>
10	CONSERVATION, DEPARTMENT OF		
12	Forest Pesticide Research Fund		
14	All Other	\$300,000	
16	Provides funds to establish		
18	the Forest Pesticide Research		
	Fund.		
20	DEPARTMENT OF CONSERVATION		
	TOTAL	<u>\$300,000</u>	
22			
24	TOTAL APPROPRIATIONS	<u>\$706,310</u>	<u>\$218,080</u>
26	Sec. 29. Allocation. The following funds are allocated from		
	Other Special Revenue funds to carry out the purposes of this Act.		
28		1991-92	1992-93
30			
32	AGRICULTURE, FOOD AND RURAL		
	RESOURCES, DEPARTMENT OF		
34	Agricultural Pesticide Research Fund		
36	All Other	\$300,000	
38	Provides funds for		
	contractual services to the		
40	University of Maine or the		
	Cooperative Extension Service		
42	for research relating to the		
	agricultural use of		
44	pesticides.		
46	Ground Water Monitoring Fund		
48	All Other		\$75,000
50	Provides funds for		
	contractual services, to		

2 monitor for pesticide
residues in ground water
4 aquifers.

6 DEPARTMENT OF AGRICULTURE, FOOD
AND RURAL RESOURCES
TOTAL \$300,000 \$75,000

8 CONSERVATION, DEPARTMENT OF
10 Forest Pesticide Research Fund

12 All Other \$300,000

14 Provides funds for
16 contractual services for
forest pesticide research
18 needs in conjunction with the
20 Forest Resource Assessment
Program.

22 DEPARTMENT OF CONSERVATION
TOTAL \$300,000
24 TOTAL ALLOCATIONS \$600,000 \$75,000

28 FISCAL NOTE

30		1991-92	1992-93
32	Appropriations/Allocations:		
	General Fund	\$706,310	\$218,080
34	Other Special Revenue	600,000	75,000
36	Revenues:		
	Other Special Revenue funds	600,000	75,000

38 This bill appropriates funds from the General Fund to the
40 Department of Agriculture, Food and Rural Resources and the
Department of Conservation to establish 3 Other Special Revenue
42 funds and provide funding for 4 1/2 new positions. The General
Fund appropriations used to establish the new dedicated funds
44 result in an increase in Other Special Revenue. These Other
Special Revenue funds are also allocated in this bill for
46 contractual research services.

48 STATEMENT OF FACT

50 This bill is the majority report of the Commission to Study
52 the Use of Herbicides, established by Resolve 1989, chapter 98.

2 The bill prohibits the sale of produce treated with pesticides
banned in Maine; increases penalties for pesticide violations;
4 requires the Department of Transportation and utilities to pay
municipalities avoided costs when entering into no-spray
6 agreements; requires research into agricultural, forestry and
right-of-way alternatives to pesticide use; requires ground water
8 protection planning; establishes a pesticide ground water
monitoring fund; amends the State's pesticide regulatory policy;
10 changes the membership of the Board of Pesticides Control;
establishes procedures for suspending and removing members who
12 violate pesticide regulations; requires pesticide applicators to
report to the board; requires the board to report biennially to
14 the Legislature; requires training and certification of pesticide
users; and repeals the exemption for pesticide dealer reporting
16 of pesticides sold in small containers.