

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1289

H.P. 892

House of Representatives, March 27, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GOULD of Greenville.  
Cosponsored by Representative TARDY of Palmyra.

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STATE OF MAINE

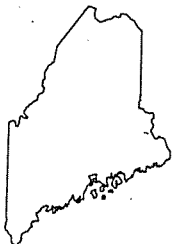
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Promote Comprehensive and Consistent Statewide  
Environmental Policy and Regulation.**

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

4 Sec. 1. 12 MRSA §8869, sub-§§8 and 9, as enacted by PL 1989, c.  
555, §10, are repealed.

6 Sec. 2. 12 MRSA §8869, sub-§12 is enacted to read:

8 12. Exclusive authority. This subchapter is a preemption  
9 of the regulation of forest practices by the State.  
10 Municipalities may not adopt or enforce ordinances that address  
11 forest practices except to the extent municipalities are granted  
12 express power to regulate in this area. Any powers granted to  
13 municipalities may not allow ordinances to contain requirements  
14 or be interpreted or applied in a manner inconsistent with or  
15 different from state rules or permits covering the same or  
16 similar activity.

18 Sec. 3. 22 MRSA §1471-A, as amended by PL 1983, c. 542, §§1  
19 and 3, is further amended by adding at the end a new paragraph to  
20 read:

22 This chapter is a preemption of the regulation of pesticide  
23 control by the State. Municipalities may not adopt or enforce  
24 ordinances that address pesticide control except to the extent  
25 municipalities are granted express power to regulate in this  
26 area. Any powers granted to municipalities may not allow  
27 ordinances to contain requirements or be interpreted or applied  
28 in a manner inconsistent with or different from state rules or  
29 permits covering the same or similar activity.

30 Sec. 4. 22 MRSA §1471-U, as repealed and replaced by PL 1989,  
31 c. 93, §1, is repealed.

### 34 STATEMENT OF FACT

36 The purpose of this bill is to ensure uniform statewide  
37 policies and rules in the areas of forest practices and pesticide  
38 control. This bill prohibits municipalities from adopting or  
39 enforcing ordinances that address forest practices or pesticide  
40 control in the State.

42 This bill repeals provisions allowing various forms of  
43 municipal ordinances to regulate activities already regulated by  
44 the State. The bill further specifies that state law preempts  
45 municipal ordinances unless municipalities are expressly granted  
46 the power to regulate. This bill accomplishes the objective of  
47 uniform state environmental regulation.