MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 941

H.P. 690

House of Representatives, March 21, 1995

An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative SHIAH of Bowdoinham. Cosponsored by Representatives: CHARTRAND of Rockland, HEESCHEN of Wilton, JONES of Bar Harbor, SAMSON of Jay, VOLENIK of Sedgwick, Senators: BUSTIN of Kennebec, PINGREE of Knox.

Do '4 are and all has the Decarles of the Chartes of Marines and Calles
Be it enacted by the People of the State of Maine as follows:
Sec. 1. 7 MRSA §604, sub-§30, as enacted by PL 1975, c. 38 §3, is amended to read:
30. Restricted use pesticide. "Restricted use pesticid
means any pesticide or pesticide use classified for restrict use by the Administrator, EPA or the board.
Sec. 2. 7 MRSA $\S606$, sub- $\S2$, \PG , as repealed and replaced PL 1985, c. 506, Pt. A, $\S6$, is amended to read:
G. For any person to apply pesticides in a manning inconsistent with rules for pesticide application adopted the board, which rules are must be designed to minimize the property of the pr
pesticide drift and groundwater contamination to the maximextent practicable under currently available technology
Without limitation, these rules may prescribe procedures be used for the application of pesticides, including to
time, place, manner and method of that application, restrict or prohibit use of pesticides in designated are
or during specified periods of time and may prescribe <u>sp</u> <u>drift</u> tolerance levels for pesticide residues in off-tare
areas. The-beard-shall-propose-the-rules-by-June-15,-1985
Sec. 3. 7 MRSA $\S610$, sub- $\S2$, \PC , as amended by PL 1989, 878, Pt. E, $\S9$, is further amended to read:
C. Labeling requirements of all pesticides required to
registered under provisions of this subchapter, provi- that such regulations shall may not impose any requireme
for federally registered labels in addition to or differ from those required pursuant to FIFRA; and
Sec. 4. 7 MRSA §610, sub-§2, ¶D, as enacted by PL 1975,
382, §3, is amended to read:
D. Specifying classes of devices which-shall-be subject the provisions of section 605, subsection 1.: and
Sec. 5. 7 MRSA §610, sub-§2, ¶E is enacted to read:
E. Classification of any pesticides for restricted u
consistent with the purposes of this subchapter and of

Page 1-LR1572(1)

groundwater protection laws as set forth in Title 38,

Sec. 6. 22 MRSA §1471-C, sub-§23, as amended by PL 1979, c.

chapter 3, article 1-B.

731, §19, is further amended to read:

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- 23. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for use only by or under the direct supervision of a certified applicator by the Administrator of the United States Environmental Protection Agency or by the Gemmissiener-of-Agriculture,--Food-and-Rural Reseurces board.
- Sec. 7. Rulemaking. No later than 6 months after the effective date of this Act, the Department of Agriculture, Food and Rural Resources, State Board of Pesticides Control shall adopt rules designed to minimize groundwater contamination to the maximum extent practicable under currently available technology pursuant to the Maine Revised Statutes, Title 7, section 606, subsection 2, paragraph G.

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STATEMENT OF FACT

This bill corrects the definition of "restricted use pesticide" to conform to the Maine Revised Statutes, Title 22, section 1471-C, subsection 23, which provides that a pesticide may be classified for restricted use either by the federal Environmental Protection Agency or by state authorities. This bill clarifies that the appropriate state authority is the Department of Agriculture, Food and Rural Resources, State Board of Pesticides Control. This bill also requires the State Board of Pesticides Control to adopt rules minimizing to the maximum extent practicable pesticide contamination in groundwater, as it has previously been required to adopt rules to prevent spray drift of pesticides.