

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1263, L.D. 1790, Bill, "An Act to Control Brown Tail Moths"

Amend the bill by striking out the title and substituting the following:

'An Act to Control Browntail Moths'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an infestation of browntail moths has made living in certain Maine communities dangerous for adults and children; and

Whereas, a browntail moth control program can be undertaken by Maine communities for 1997 if undertaken during the month of May; and

Whereas, emergency legislation is required to enable control efforts to be undertaken for 1997; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

COMMITTEE AMENDMENT

Further amend the bill in section 1 in the 3rd line (page 1, line 7 in L.D.) by striking out the following: "BROWN TAIL" and inserting in its place the following: 'BROWNTAIL'

Further amend the bill in section 1 in that part designated "§1444." in the first line (page 1, line 9 in L.D.) by striking out the following: "brown tail" and inserting in its place the following: 'browntail'

Further amend the bill in section 1 in that part designated "§1444." in subsection 1 in the 2nd and 3rd lines (page 1, lines 12 and 13 in L.D.) by striking out the following: "brown tail" and inserting in its place the following: 'browntail'

Further amend the bill in section 1 in that part designated "§1444." in subsection 2 in paragraph C in subparagraph (2) in the last line (page 1, line 43 in L.D.) by striking out the following: "and"

Further amend the bill in section 1 in that part designated "§1444." in subsection 2 in paragraph D in the last line (page 1, line 47 in L.D.) by striking out the following: "law." and inserting in its place the following: 'law;'

Further amend the bill in section 1 in that part designated "§1444." in subsection 2 by inserting after paragraph D the following:

'E. Written notice to the landowners must identify the chemicals to be used in the aerial spraying; and

'F. Public notice of the date of the aerial spraying, subject to change because of weather conditions, must be given 24 hours prior to the spraying.'

Further amend the bill in section 1 in that part designated "§1444." by striking out all of subsection 3 and inserting in its place the following:

'3. Refusal to consent; cost of extermination. After the declaration of the Director of the Bureau of Health and a written declaration by the municipal officers of their intent to conduct aerial spraying, any landowner who refuses to consent to aerial spraying shall remove any browntail moth infestation from that landowner's property at that landowner's expense in a time and manner satisfactory to the local health officer. Regardless of whether the nonconsenting landowner's property has an infestation of moths, the nonconsenting landowner is also liable for the additional expenses actually incurred by neighboring consenting landowners or the municipality when neighboring consenting

landowners or the municipality uses a method of removal other than aerial spraying due to lack of consent. In such cases, consenting landowners shall remove any browntail moth infestation from their own property at their own initial expense in a time and manner satisfactory to the local health officer.

All additional expenses incurred by a municipality must be repaid to the municipality within 30 days after written demand mailed to the nonconsenting landowner by the municipal officers. If the written demand is not met, a service charge may be assessed by the municipal officers against the land of the nonconsenting landowner for the amount of those expenses. The service charge must be collected in the same manner as municipal sewer service charges are collected pursuant to Title 30-A, section 3406.

All additional expenses incurred by neighboring consenting landowners may be collected by the municipality from nonconsenting landowners as a service charge described in this subsection, following certification in writing by the consenting landowners to the municipal officers of the additional costs. The municipal officers shall make suitable provisions to reimburse the consenting landowners from the amounts collected.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The additional costs associated with declaring the infestation of browntail moths as a public health nuisance can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

SUMMARY

This amendment limits the obligations of nonconsenting landowners for additional browntail moth control costs. It adds a requirement that the notice to landowners identify the chemical to be sprayed for browntail moth control. It adds a requirement of 24-hour notice of the date of spraying, subject to weather conditions. The amendment also adds an emergency preamble, an emergency clause and a fiscal note to the bill.