

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1657

H.P. 1168

House of Representatives, May 5, 2005

### **An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Marine Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERCY of Phippsburg.  
Cosponsored by Senator DAMON of Hancock.

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

4 **Sec. 1. 22 MRSA §1444, sub-§4** is enacted to read:

6 4. Limits on pesticide application. The following provisions govern the application of pesticides for the control of browntail moths.

8 A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

10 (1) "Hydraulic rig" means ground equipment that uses a hydraulic pump to create a highly pressurized and directed application of pesticide droplets.

12 (2) "Mist blower" means ground equipment that creates a high-velocity wind to apply a pesticide mist.

14 B. The following provisions govern the application of pesticides near the normal high tide mark. A person may not apply pesticides using:

16 (1) Aerial application in an area from the normal high tide mark to 1,000 feet inland;

18 (2) A mist blower in an area from the normal high tide mark to 500 feet inland; or

20 (3) A hydraulic rig in an area from the normal high tide mark to 50 feet inland.

22 This paragraph does not limit the application of pesticides by a person using a handheld device.

24 This paragraph applies to any public or private application of pesticides for the control of browntail moths whether or not the Director of the Bureau of Health has declared that an infestation of browntail moths is a public health nuisance pursuant to subsection 1.

26 **SUMMARY**

28 This bill places limits on the application of pesticides near the normal high tide mark for the control of browntail moths. It contains the following limits.

30 1. A person may not apply pesticides using aerial application in an area from the normal high tide mark to 1,000 feet inland.

2           2. A person may not apply pesticides using a mist blower in  
an area from the normal high tide mark to 500 feet inland.

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6           3. A person may not apply pesticides using a hydraulic rig  
in an area from the normal high tide mark to 50 feet inland.