

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

3

2 Date: 4-3-07

(Filing No. H-46)

3 Reproduced and distributed under the direction of the Clerk of the House.

4 STATE OF MAINE  
5 HOUSE OF REPRESENTATIVES  
6 123RD LEGISLATURE  
7 FIRST REGULAR SESSION

8 HOUSE AMENDMENT "A" to H.P. 665, L.D. 875, Bill, "An Act To Continue the  
9 Protection of Marine Waters and Organisms from the Risks Posed by the Applications of  
10 Pesticides"

11 Amend the bill by striking out everything after the enacting clause and before the  
12 emergency clause and inserting the following:

13 'Sec. 1. 22 MRSA §1444, sub-§5 is enacted to read:

14 5. Limits on pesticide applications. Pesticide applications near coastal waters in  
15 Cumberland, Lincoln, Sagadahoc and York counties to control browntail moths must be  
16 in compliance with section 1445-A.

17 This subsection is repealed March 31, 2008.

18 Sec. 2. 22 MRSA §1445-A is enacted to read:

19 §1445-A. Restrictions on application of pesticides to control browntail moths in  
20 coastal areas

21 This section applies to the application of pesticides to control browntail moths in  
22 coastal areas. For the purposes of this section, "coastal areas" means land in Cumberland,  
23 Lincoln, Sagadahoc and York counties abutting coastal waters as defined in Title 12,  
24 section 6001, subsection 6, except that coastal areas extend inland up rivers and streams  
25 only as far as the first bridge.

26 1. Prohibition on application of pesticides. A person may not apply a pesticide to  
27 control browntail moths on shade or ornamental trees within 50 feet of the mean high  
28 water mark in coastal areas.

29 2. Restrictions on applications between 50 and 250 feet of mean high water  
30 mark. A person may not apply a pesticide to control browntail moths on shade or  
31 ornamental trees in coastal areas located between 50 and 250 feet from the mean high  
32 water mark except in accordance with this subsection.

33 A. Only products with the active ingredients diflubenzuron, permethrin, tau-  
34 fluvinalinate or cyfluthrin may be applied.

**HOUSE AMENDMENT**

1 B. Applications may be performed only with a hydraulic hand-held spray gun or air-  
2 assisted sprayers.

3 C. Applications may be performed only in a manner in which the applicator directs  
4 the spray away from marine waters.

5 D. Applications may not be made when the wind is blowing toward marine waters.

6 E. Applications may be performed only when the wind is equal to or greater than 2  
7 miles per hour and blowing away from marine waters.

8 **3. Notification and submission of records.** A commercial applicator, as defined in  
9 section 1471-C, subsection 5, shall notify the Board of Pesticides Control within the  
10 Department of Agriculture, Food and Rural Resources between 48 and 18 hours in  
11 advance of using air-assisted sprayers to apply pesticides to control browntail moths in  
12 coastal areas. Upon request of the board, a commercial applicator shall submit spray  
13 records for such applications.

14 **4. Exemption.** The prohibitions and restrictions in this section do not apply to  
15 biological pesticides, to the injection of pesticides directly into the soil or into shade and  
16 ornamental trees or to the application of pesticides by licensed commercial pesticide  
17 applicators using nonpowered equipment.

18 **5. Repeal.** This section is repealed March 31, 2008.

19 **Sec. 3. Board of Pesticides Control; monitoring project; report.** The  
20 Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall  
21 monitor applications of pesticides using air-assisted sprayers as allowed under the Maine  
22 Revised Statutes, Title 22, section 1445-A, subsection 2 to control browntail moths in  
23 coastal areas. The board, working cooperatively with the Department of Marine  
24 Resources, may sample marine waters and sediments in coastal areas where pesticides are  
25 applied to control browntail moths. The board shall report its findings and  
26 recommendations from monitoring applications with air-assisted spraying to the Joint  
27 Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing  
28 Committee on Marine Resources by January 2, 2008.'

29 **SUMMARY**

30 This amendment enacts the restrictions on pesticide applications that were in the  
31 Maine Revised Statutes, Title 22, but that were repealed on March 31, 2007, with the  
32 substantive changes proposed by the bill as amended by Committee Amendment "A"  
33 included.

34 **SPONSORED BY:** W.P.D.

35 **(Representative PIEH)**

36 **TOWN: Bremen**

**FISCAL NOTE REQUIRED**  
**(See attached)**



Approved: 04/03/07 *MAC*

# 123rd MAINE LEGISLATURE

LD 875

LR 2519(04)

**An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides**

**Fiscal Note for House Amendment "A"**

**Sponsor: Rep. Pieh of Bremen**

**Fiscal Note Required: Yes**

---

## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

This amendment removes the cost of the original bill and leaves only minor costs to the Department of Marine Resources which can be absorbed within existing resources.