

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)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1698

S.P. 605

March 23, 2007

An Act To Provide for Public Notification of Indoor Pesticide Applications

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SULLIVAN of York.
Cosponsored by Representative PIOTTI of Unity and Senators: SHERMAN of Aroostook,
STRIMLING of Cumberland, Representatives: MAREAN of Hollis, PIEH of Bremen,
VAUGHAN of Durham.

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

2 **Sec. 1. 22 MRSA §1471-Y** is enacted to read:

3 **§1471-Y. Commercial and multifamily residential buildings; notice of application**

4 The application of pesticides in an occupied building, as defined by the board by rule,
5 is governed by this section. This section does not apply to the application of pesticides in
6 school buildings, as defined by the board by rule.

7 **1. Agency, business or institutional buildings.** The board by rule shall require an
8 applicator who applies pesticides in a building housing an agency, business or institution
9 to post for a period of 6 months after the application a notice of that pesticide application.
10 Notification is not required for any application exempted from FIFRA regulation under
11 40 Code of Federal Regulations, Section 152.25 or other applications exempted by the
12 board by rule. The board shall require the posted sign to be displayed at the main public
13 entrance to the building and, in a commercial building, at a location conspicuous to
14 employees.

15 **2. Notice to tenants.** The board shall by rule require the owner or manager of a
16 rented residential unit to provide prior notice to a tenant of any pesticide application to
17 the rented unit that is not requested by the tenant and of any pesticide application to a
18 common area of the building. Notification is not required for any application exempted
19 from FIFRA regulation under 40 Code of Federal Regulations, Section 152.25 or other
20 applications exempted by the board by rule. The board shall require any posted notice to
21 be displayed at the main public entrance to the building.

22 **3. Child care facilities and nurseries.** The board shall adopt requirements for
23 notice of pesticide application in nursery schools and child care facilities. The rule must
24 be consistent with the rules of the Community Services Center relating to notices of
25 environmental lead hazards in nursery schools and the rules of the Office of Child and
26 Family Services relating to notices of environmental lead hazards in child care facilities.

27 **4. Rules.** Rules adopted by the board under this section are major substantive rules
28 as defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 2. Rules.** The authority of the Board of Pesticides Control to adopt Chapter 26
30 of its rules is superseded by the Maine Revised Statutes, Title 22, section 1471-Y, which
31 is enacted by section 1 of this Act, and that rule is declared to be null and void. All future
32 rules of the board governing standards for indoor pesticide applications in occupied
33 buildings other than school buildings are governed by Title 22, section 1471-Y.

34 **SUMMARY**

35 This bill directs the Board of Pesticides Control to establish certain notice
36 requirements for the application of pesticides in occupied buildings other than school
37 buildings. The bill voids the Board of Pesticides Control's current rules on this subject.