

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1891

H.P. 1323

House of Representatives, May 3, 2007

An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules

(EMERGENCY)

Reported by Representative PIEH of Bremen for the Joint Standing Committee on
Agriculture, Conservation and Forestry pursuant to Joint Order 2007, H.P. 1055.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the rule-making authority of the Department of Agriculture, Food and
4 Rural Resources, Board of Pesticides Control is essential to ensuring the benefits derived
5 from proper use of pesticides while safeguarding public health; and

6 **Whereas,** designation of certain rules as major substantive rules enhances that
7 assurance; and

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

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

13 **Sec. 1. 7 MRSA §610, sub-§6** is enacted to read:

14 6. Major substantive rules. Rules proposed for adoption by the board after July 1,
15 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as
16 defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that
17 pertain to topics specified in paragraphs A to E continue in effect, except that proposed
18 amendments to those rules are major substantive rules and must be reviewed and
19 approved prior to final adoption in accordance with Title 5, section 8072. Topics
20 governed by this subsection are:

- 21 A. Drift from outside spraying;
- 22 B. Notification requirements for outside spraying;
- 23 C. Pesticides applications in occupied buildings;
- 24 D. A notification registry for indoor applications of pesticides; and
- 25 E. Buffers from shorelines for broadcast applications of pesticides.

26 **Emergency clause.** In view of the emergency cited in the preamble, this
27 legislation takes effect when approved.

28 **SUMMARY**

29 This bill designates certain rules of the Department of Agriculture, Food and Rural
30 Resources, Board of Pesticides Control as major substantive rules.