

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2190

H.P. 1560

House of Representatives, February 5, 2008

An Act To Designate Certain Rules Proposed by 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 the Maine Revised Statutes, Title 7, section
610, subsection 5.

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 §604, sub-§25-A** is enacted to read:

14 **25-A. Plant-incorporated protectant.** "Plant-incorporated protectant" means a
15 pesticidal substance that is produced and used in a living plant through genetic
16 engineering and the genetic material necessary for the production of the pesticidal
17 substance.

18 **Sec. 2. 7 MRSA §610, sub-§6,** as enacted by PL 2007, c. 145, §1, is amended to
19 read:

20 **6. Major substantive rules.** Rules proposed for adoption by the board after July 1,
21 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as
22 defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that
23 pertain to topics specified in paragraphs A to E continue in effect, except that proposed
24 amendments to those rules are major substantive rules and must be reviewed and
25 approved prior to final adoption in accordance with Title 5, section 8072. Rules proposed
26 for adoption by the board after March 1, 2008 that pertain to topics specified in
27 paragraphs F and G are major substantive rules as defined in Title 5, chapter 375,
28 subchapter 2-A. Rules in effect on March 1, 2008 that pertain to topics specified in
29 paragraph G continue in effect, except that proposed amendments to those rules are major
30 substantive rules and must be reviewed and approved prior to final adoption in
31 accordance with Title 5, section 8072. Topics governed by this subsection are:

- 32 A. Drift from outside spraying;
- 33 B. Notification requirements for outside spraying;
- 34 C. Pesticides applications in occupied buildings;
- 35 D. A notification registry for indoor applications of pesticides; ~~and~~
- 36 E. Buffers from shorelines for broadcast applications of pesticides; ~~;~~
- 37 F. Use of organophosphate pesticides adjacent to occupied areas; and

1 G. Distribution and use of plant-incorporated protectants.

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

4 **SUMMARY**

5 This bill is the report of the Joint Standing Committee on Agriculture, Conservation
6 and Forestry pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5. It
7 designates proposed rules that pertain to the use of organophosphate pesticides adjacent
8 to occupied areas or distribution and use of plant-incorporated protectants as major
9 substantive rules. It provides for rules pertaining to plant-incorporated protectants in
10 effect on March 1, 2008 to remain in effect but designates amendments to those rules as
11 major substantive rules.

FISCAL NOTE REQUIRED
(See attached)



Approved: 01/29/08 *MAC*

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LD 2190

LR 3474(01)

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**Fiscal Note for Committee Bill
Committee: Agriculture, Conservation and Energy
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs associated with rule-making can be absorbed by the Department of Agriculture within existing budgeted resources.