

MAINE STATE LEGISLATURE

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RWS

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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 896, L.D. 1293, Bill, "An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment"

Amend the bill in section 1 in §1471-Y in subsection 1 by striking out all of paragraph A (page 1, lines 9 and 10 in L.D.) and inserting the following:

'A. "Air-carrier equipment" means any application equipment that uses a mechanically generated airstream to propel spray droplets. "Air-carrier equipment" does not include air-assisted application equipment in which the airstream is directed downward into the target canopy.'

Amend the bill in section 1 in §1471-Y in subsection 2 in the 2nd line (page 1, line 17 in L.D.) by striking out the following: "annually"

Amend the bill in section 1 in §1471-Y in subsection 2 in the 3rd line (page 1, line 18 in L.D.) by striking out the following: "neighbors" and inserting the following: 'residents and managers of buildings on property that lies within 1,320 feet of the intended spray area'

Amend the bill in section 1 in §1471-Y in subsection 2 in the 4th line (page 1, line 19 in L.D.) by inserting after the following: "must" the following: 'be provided in accordance with subsection 5 and'

Amend the bill in section 1 in §1471-Y in subsection 2 in paragraph B in the 2nd line (page 1, line 22 in L.D.) by striking out the following: "and"

Amend the bill in section 1 in §1471-Y in subsection 2 in paragraph C in the first line (page 1, line 23 in L.D.) by striking out the following: "applied." and inserting the following: 'applied; and'

Amend the bill in section 1 in §1471-Y in subsection 2 by inserting after paragraph C the following:

'D. Reference to the registry of citizens developed and maintained by the board under section 1471-Z and a description of how to be placed on the registry.'

COMMITTEE AMENDMENT

1 Amend the bill in section 1 in §1471-Y in subsection 2 by inserting at the end the
2 following:

3 'Notification in compliance with this subsection fulfils the notification requirement for 3
4 years unless the information provided under paragraph A, B or C changes.'

5 Amend the bill in section 1 in §1471-Y in subsection 3 in the 4th line (page 1, line 27
6 in L.D.) by inserting after the following: "notification" the following: 'in accordance
7 with subsection 5 and'

8 Amend the bill in section 1 in §1471-Y in subsection 4 in the last line (page 2, line 5
9 in L.D.) by inserting after the following: "forms." the following: 'A land manager shall
10 maintain a list of people receiving notification under subsection 2 or information under
11 subsection 3 who ask not to be contacted in the future. A land manager may refrain from
12 sending future notifications to these individuals.'

13 Amend the bill in section 1 in §1471-Y by striking out all of subsection 5 (page 2,
14 lines 6 to 8 in L.D.) and inserting the following:

15 '5. Means of notification. A land manager conducting or contracting for a
16 pesticides application using aircraft or air-carrier equipment shall make a good faith effort
17 to convey the information required in subsections 2 and 3. Acceptable means of
18 notification include:

19 A. Personal delivery of notification forms;

20 B. Mailing notification forms through the United States Postal Service; or

21 C. Electronic mailing of notification forms.

22 Telephone calls, either personal or automated, are an acceptable means of notification
23 under subsection 3.'

24 Amend the bill in section 2 in §1471-Z in subsection 1 in paragraph C in the last line
25 (page 2, line 26 in L.D.) by striking out the following: "and"

26 Amend the bill in section 2 in §1471-Z in subsection 1 in paragraph D in the first line
27 (page 2, line 27 in L.D.) by striking out the following: "address." and inserting the
28 following: 'address; and'

29 Amend the bill in section 2 in §1471-Z in subsection 1 by inserting after paragraph D
30 the following:

31 'E. The person's e-mail address.'

32 SUMMARY

33 This amendment narrows the requirement of whom a land manager must notify prior
34 to applying pesticides. Only abutters must be notified and a notification is good for 3
35 years unless the general method of application or the types of pesticides used change. It
36 clarifies acceptable means of notifying and the information to be conveyed to abutters
37 and to people on the registry of citizens within 1,320 feet of the application area. It
38 refines the definition of "air-carrier equipment" to exclude equipment with nozzles
39 directed downward.



124th MAINE LEGISLATURE

LD 1293

LR 1155(02)

An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources can be absorbed within existing budgeted resources.