

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)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1293

H.P. 896

House of Representatives, March 31, 2009

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator DAMON of Hancock and
Representatives: BLODGETT of Augusta, LEGG of Kennebunk, McCABE of Skowhegan,
MILLER of Somerville, PERCY of Phippsburg, Speaker PINGREE of North Haven, PIOTTI
of Unity, SCHATZ of Blue Hill.

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. Notification of outdoor pesticides application using aircraft or air-carrier**
4 **equipment**

5 A land manager may not apply pesticides using aircraft or air-carrier equipment
6 unless the notification requirements of this section are met.

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
8 following terms have the following meanings.

9 A. "Air-carrier equipment" means equipment that uses a mechanically generated
10 airstream to propel the spray droplets.

11 B. "Land manager" means the owner of the land, a person leasing the land, or a
12 person, firm, company or other legal entity designated by the owner to manage the
13 land, vegetation on the land or pests occurring on the land.

14 C. "Neighbor" means an owner, lessee or occupant of a property that abuts or lies
15 within 1,320 feet of an area.

16 **2. Mandatory notification.** A land manager intending to conduct application of
17 pesticides using aircraft or air-carrier equipment shall annually provide written
18 notification to neighbors at least 90 days prior to the first date of pesticides application.
19 The notification must include:

20 A. A general description of the method of application that is likely to occur;

21 B. The pesticides application schedule and circumstances under which the
22 application is likely to take place; and

23 C. The commercial and scientific names of pesticides likely to be applied.

24 **3. Obligations to provide information.** A land manager intending to conduct an
25 outdoor application of pesticides using aircraft or air-carrier equipment shall access the
26 registry of citizens under section 1471-Z to determine any neighbors on the registry of
27 citizens and shall provide those neighbors with notification at least 24 hours but not more
28 than 7 days in advance of the application of:

29 A. The date and approximate time of application;

30 B. The type of equipment to be used and the manner in which the pesticides will be
31 applied;

32 C. The commercial and scientific names and the United States Environmental
33 Protection Agency's registration numbers for the pesticides to be used and, upon
34 request, the material safety data sheets for the pesticides or copies of pesticides
35 labels; and

36 D. Contact information for the land manager.

1 4. Records maintained. A land manager shall maintain records of communications
2 with neighbors regarding an outdoor application of pesticides using aircraft or air-carrier
3 equipment and the dates and means by which the notification required under subsection 2
4 was provided. The board shall supply forms for recording this information and the land
5 manager shall use these forms.

6 5. Awareness of the opt-in registry. A land manager subject to the requirements of
7 subsections 2 and 4 shall inform neighbors of their right to participate in the registry of
8 citizens developed and maintained by the board under section 1471-Z.

9 **Sec. 2. 22 MRS §1471-Z** is enacted to read:

10 **§1471-Z. Registry of citizens requesting additional information**

11 The board shall develop and maintain a registry of residents and property owners in
12 the State who request to be placed on a registry for the purpose of receiving information
13 on the outdoor application of pesticides using aircraft or air-carrier equipment in addition
14 to the information required under section 1471-Y.

15 1. Development of a registry of citizens. The board shall solicit participation in a
16 registry of citizens through newspaper articles, public notices distributed to municipal
17 offices and a notice posted on the board's publicly accessible website. To be placed on
18 the registry, a person must submit to the board, using a form provided on the board's
19 publicly accessible website or a paper copy provided by the board upon request, the
20 following information:

21 A. The person's full name;

22 B. The person's telephone number;

23 C. The location of the property owned, leased or occupied by the person registering.
24 The location must be described in sufficient detail to be located on a 7.5 or 15 minute
25 series topographical map produced by the United States Geological Survey or a map
26 of equivalent or superior detail; and

27 D. The person's mailing address.

28 Any resident, owner or lessee of property in the State is entitled to be placed on the
29 registry of citizens. A fee may not be charged to register. Persons remain on the registry
30 until they notify the board in writing that they want to be removed from the registry or
31 until the board staff determines that the contact is no longer valid.

32 **SUMMARY**

33 This bill requires land managers to notify neighbors prior to the application of
34 pesticides using aircraft or air-carrier equipment. It requires the Department of
35 Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry
36 of citizens for persons desiring additional information when pesticides are being applied
37 using aircraft or air-carrier equipment within 1,320 feet of land owned, leased or resided
38 upon by those persons.