

# MAINE STATE LEGISLATURE

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Date: 3-29-10

(Filing No. S-492)

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1089, L.D. 1547, Bill, "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment"

Amend the amendment in section 2 in §1471-Z in subsection 2 in paragraph C in the 2nd line (page 2, line 27 in amendment) by striking out the following: "and"

Amend the amendment in section 2 in §1471-Z in subsection 2 in paragraph D in the 1st line (page 2, line 28 in amendment) by striking out the following: "manager," and inserting the following: 'manager; and'

Amend the amendment in section 2 in §1471-Z in subsection 2 by inserting after paragraph D the following:

'E. The location of the property that the land manager intends to spray.'

Amend the amendment in section 2 in §1471-Z in subsection 3 in paragraph B in the 1st line (page 2, line 37 in amendment) by striking out the following: "Except as provided in paragraph C, pesticides" and inserting the following: 'Pesticides'

Amend the amendment in section 2 in §1471-Z in subsection 3 by striking out all of paragraph C (page 3, lines 1 to 3 in amendment) and inserting the following:

'C. Notwithstanding paragraph B, pesticides are being applied using air-carrier equipment into the crowns of fruit trees or Christmas trees and the registered property lies within 500 feet of the intended spray area. This paragraph is repealed January 1, 2012.'

Amend the amendment in section 5 in the 2nd paragraph in the first line (page 5, line 4 in amendment) by inserting after the following: "board" the following: ', with input from the Department of Health and Human Services and other public health professionals,'

Amend the amendment in section 5 in the 2nd paragraph in the next to the last line (page 5, line 14 in amendment) by inserting after the following: "property" the following: ', including, but not limited to, an Internet-based system of direct notification,'

1 Amend the amendment in section 6 in the 2nd line (page 5, line 17 in amendment) by  
2 inserting after the following: "Control" the following: ', with input from the Department  
3 of Health and Human Services and other public health professionals,'

4 Amend the amendment in section 6 in subsection 1 in the last line (page 5, line 22 in  
5 amendment) by striking out the following: "and"

6 Amend the amendment in section 6 in subsection 2 in the last line (page 5, line 25 in  
7 amendment) by striking out the following: "3." and inserting the following: '3;'

8 Amend the amendment in section 6 by inserting after subsection 2 the following:

9 '3. The effectiveness of the public awareness activities conducted under Title 22,  
10 section 1471-AA and section 4 of this Act;

11 4. The feasibility and advisability of requiring land managers to post signs on the  
12 perimeter of properties on which pesticides will be applied using aircraft or air-carrier  
13 equipment; and

14 5. The feasibility of establishing and maintaining an Internet-based system to allow a  
15 land manager to electronically provide information required in Title 22, section 1471-Z,  
16 subsection 2, paragraphs A to E to persons on the registry who are entitled to notification  
17 under Title 22, section 1471-Z, subsections 2 and 3.'

18 Amend the amendment by striking out all of section 7 (page 5, lines 26 to 28 in  
19 amendment)

20 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
21 or section number to read consecutively.

## 22 SUMMARY

23 This amendment incorporates the substance of House Amendment "A" to Committee  
24 Amendment "A" (H-786), except that it removes authorization of the joint standing  
25 committee of the Legislature having jurisdiction over agricultural matters to submit a bill.  
26 Like House Amendment "A" to Committee Amendment "A", this amendment:

27 1. Expands the information a land manager is required to provide to people on the  
28 registry to include the location of the property on which pesticides will be applied;

29 2. Changes the criteria for requiring notification effective January 1, 2012 by  
30 repealing the maximum distance of 500 feet for certain applications in fruit orchards and  
31 Christmas tree plantations using air-carrier equipment;

32 3. Directs the State Board of Pesticides Control to consult with the Department of  
33 Health and Human Services and other health professionals in developing rules for  
34 notification of pesticides applications and in developing the report to be submitted to the  
35 joint standing committee of the Legislature having jurisdiction over agricultural matters;

36 4. Specifically directs the board to assess the feasibility of establishing and  
37 maintaining an Internet-based system to allow electronic notification of persons on the  
38 registry who are entitled to receive notification; and

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5. Directs the board to evaluate the feasibility and advisability of requiring land managers to post signs on property prior to applying pesticides on that property using aircraft or air-carrier equipment.

**FISCAL NOTE REQUIRED**

(See attached)

SPONSORED BY: J. Nutting

(Senator NUTTING, J.)

COUNTY: Androscoggin



Approved: 03/26/10 *mac*

# 124th MAINE LEGISLATURE

LD 1547

LR 2067(07)

## An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Nutting of Androscoggin

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Additional costs to the Board of Pesticides Control and the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.