

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 975

H.P. 719

House of Representatives, March 8, 2011

An Act To Require Certification of Private Applicators of General Use Pesticides

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DILL of Old Town.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: BLACK of Wilton, CRAY of Palmyra, McCABE of Skowhegan, O'BRIEN
of Lincolnville, TIMBERLAKE of Turner, Senator: SCHNEIDER of Penobscot.

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

2 **Sec. 1. 22 MRSA §1471-C, sub-§22-A** is enacted to read:

3 **22-A. Private applicator of general use pesticides.** "Private applicator of general
4 use pesticides" means a person who uses or supervises the use of general use pesticides
5 for purposes of producing agricultural commodities on property owned or rented by that
6 person or that person's employer when:

7 A. The agricultural commodities produced are intended for human consumption as
8 food; and

9 B. The person applying the pesticides or the employer of the person applying the
10 pesticides derives \$1,000 or more in annual income from the sale of those
11 commodities.

12 **Sec. 2. 22 MRSA §1471-D, sub-§2-D** is enacted to read:

13 **2-D. Certification required; private applicator of general use pesticides for food**
14 **production.** A private applicator of general use pesticides may not use or supervise the
15 use of general use pesticides for food production without prior certification from the
16 board, except that a competent person who is not certified may use such a pesticide under
17 the direct supervision of a certified applicator.

18 **Sec. 3. 22 MRSA §1471-M, sub-§1, ¶C-1** is enacted to read:

19 C-1. Establish standards for the certification and renewal of certification of private
20 applicators of general use pesticides. Such standards must require that the private
21 applicator of general use pesticides indicate satisfactory knowledge of pest problems
22 and pest control practices, including as a minimum the ability to recognize common
23 pests and the damage they cause, to understand the pesticide label and to apply
24 pesticides in accordance with label instructions and warnings.

25 **Sec. 4. Board of Pesticides Control to establish certification**
26 **requirements.** No later than January 1, 2012, the Department of Agriculture, Food and
27 Rural Resources, Board of Pesticides Control shall adopt rules under the Maine Revised
28 Statutes, Title 22, section 1471-M, subsection 1, paragraph C-1 establishing certification
29 requirements for private applicators of general use pesticides under Title 22, section
30 1471-D, subsection 2-D.

31 **Sec. 5. Effective date.** That section of this Act that enacts the Maine Revised
32 Statutes, Title 22, section 1471-D, subsection 2-D takes effect April 1, 2012.

33 **SUMMARY**

34 This bill requires certification of private applicators using general use pesticides in
35 the commercial production of food intended for human consumption beginning April 1,
36 2012. It directs the Department of Agriculture, Food and Rural Resources, Board of

1 Pesticides Control to establish certification requirements by rule no later than January 1,
2 2012.