

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1041

H.P. 775

House of Representatives, March 10, 2011

An Act To Simplify and Enhance Pest Control Notification

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 CRAY of Palmyra.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, McCABE of
Skowhegan, McFADDEN of Dennysville, O'BRIEN of Lincolnville.

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

2 **Sec. 1. 22 MRSA §1471-Z, first ¶**, as amended by PL 2009, c. 584, §2, is further
3 amended to read:

4 The board shall develop and maintain a registry of the properties of residents, lessees
5 and property owners in the State who request that their properties be placed on a registry
6 in order that the residents, lessees and owners receive advance notification of the outdoor
7 application of pesticides. This registry must be the only registry or system used by the
8 board to form the basis of a mandatory notification system for outdoor applications of
9 pesticides.

10 **Sec. 2. 22 MRSA §1471-Z, sub-§1**, as amended by PL 2009, c. 584, §2, is
11 further amended to read:

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

- 18 A. The person's full name;
- 19 B. The person's telephone number;
- 20 C. The physical location of the property being registered, including the street address
21 if available. If a street address is not available, longitude and latitude coordinates or a
22 description of the property in sufficient detail to be located on a 7.5 or 15 minute
23 series topographical map must be provided;
- 24 D. The mailing address at which the person prefers to receive notification;
- 25 E. The person's e-mail address if available, regularly used and acceptable for
26 notification purposes; and
- 27 F. The person's preferred means of notification.

28 Any resident, owner or lessee of property in the State is entitled to have that property
29 placed on the registry. A fee may not be charged to register. Property must remain on
30 the registry until the resident, owner or lessee notifies the board in writing that the
31 property is to be removed from the registry or until the board staff determines that the
32 contact is no longer valid. A registrant shall update or confirm the registrant's contact
33 information annually with the board by a date determined by the board. The property of a
34 registrant that has not updated or confirmed all of the registrant's contact information by
35 the date set by the board must be removed from the registry.

36 **Sec. 3. 22 MRSA §1471-Z, sub-§2**, as enacted by PL 2009, c. 584, §2, is
37 amended to read:

38 **2. Obligations to provide information to people on registry.** A land manager
39 intending to conduct an outdoor application of pesticides ~~using aircraft or air carrier~~

1 equipment shall access the registry to identify any person entitled to notification under
2 subsection 3 and, except as provided in subsections 5; and 6 and 7, shall provide that
3 person with notification no later than the day before and no earlier than 7 days before the
4 day of the application. The notification must include:

- 5 A. The date and approximate time of application;
- 6 B. The type of equipment to be used and the manner in which the pesticides will be
7 applied;
- 8 C. The brand names and the United States Environmental Protection Agency's
9 registration numbers for the pesticides to be used;
- 10 D. Contact information for the land manager; and
- 11 E. The location of the property that the land manager intends to spray.

12 Upon the request of a person receiving notification under this subsection, a land manager
13 shall provide the material safety data sheets for the pesticides being used or copies of the
14 pesticides labels. A land manager is not required to postpone an application pending
15 delivery of the requested information.

16 **Sec. 4. 22 MRSA §1471-Z, sub-§3**, as enacted by PL 2009, c. 584, §2, is
17 repealed and the following enacted in its place:

18 **3. Criteria requiring notification.** The board shall determine the distances between
19 properties and outdoor applications of pesticides within which a land manager is required
20 to notify a person whose property is on the registry of an application based on the type of
21 equipment used to make the application.

22 **Sec. 5. 22 MRSA §1471-Z, sub-§4**, as enacted by PL 2009, c. 584, §2, is
23 amended to read:

24 **4. Means of notification.** A land manager conducting or contracting for a pesticides
25 an outdoor application using aircraft or air carrier equipment of pesticides shall make a
26 good faith effort to convey the information required in subsection 2. Acceptable means
27 of notification include:

- 28 A. Personal delivery of notification forms;
- 29 B. Mailing notification forms through the United States Postal Service;
- 30 C. Electronic mailing of notification forms;
- 31 D. Telephone calls, either personal or automated; or
- 32 E. Other means determined acceptable by the board.

33 **Sec. 6. 22 MRSA §1471-Z, sub-§7**, as enacted by PL 2009, c. 584, §2, is
34 repealed.

35 **Sec. 7. 22 MRSA §1471-Z, sub-§9**, as enacted by PL 2009, c. 584, §2, is
36 amended to read:

