

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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The commissioner shall promote: Farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural products; ~~and~~ in conjunction with the university, crop development and integrated pest management; **and conservation of nonrenewable energy resources and utilization of renewable energy resources in conjunction with the Office of Energy Resources.**

Effective September 18, 1981

CHAPTER 373

H. P. 910 — L. D. 1076

AN ACT to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year.

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

20 MRSA § 3125, sub-§ 7, as enacted by PL 1977, c. 564, § 87-B, is amended to read:

7. **Approval of programs.** The commissioner may approve such programs for the usual public year, or for ~~a year round basis~~ **an extended school year**, or for such other ~~period~~ **periods** as he determines appropriate **in accordance with section 3132.**

Effective September 18, 1981

CHAPTER 374

S. P. 373 — L. D. 1115

AN ACT to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975.

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

Sec. 1. 22 MRSA § 1471-C, sub-§ 5, as repealed and replaced by PL 1977, c. 20, § 1, is amended to read:

5. **Commercial applicator.** "Commercial applicator" means any person,

except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. **“Commerical applicator”** also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments.

Sec. 2. 22 MRSA § 1471-C, sub-§ 11-A is enacted to read:

11-A. Government pesticide supervisor. **“Government pesticide supervisor”** means any federal, state or local government agency, official or employee, whether or not the person is a private applicator with respect to some uses, who, in the course of his duties, responsibilities or employment, supervises the use of any pesticides. For the purposes of this subsection, **“supervise”** means any and all activity other than the direct application of pesticides.

Sec. 3. 22 MRSA § 1471-D, sub-§ 2-A is enacted to read:

2-A. Certification required; government pesticide supervisor. No government pesticide supervisor may supervise the use of any pesticide without prior certification from the board, provided that the person who actually uses the pesticide must be certified.

Sec. 4. 22 MRSA § 1471-D, sub-§ 6, first sentence, as enacted by PL 1975, c. 397, § 2, is amended to read:

Certification of commercial applicators, **government pesticide supervisors** and licenses of pesticide dealers shall be valid for one year from the date of issuance.

Sec. 5. 22 MRSA § 1471-D, sub-§ 7, ¶B, as enacted by PL 1975, c. 397, § 2, is amended to read:

B. The board shall notify the licensee, ~~or the certified applicator or the government pesticide supervisor~~ of the temporary suspension, indicating the basis therefor and informing the licensee, ~~or the certified applicator or the supervisor~~ of the right to request a public hearing.

Sec. 6. 22 MRSA § 1471-D, sub-§ 7, ¶C, first 2 sentences, as enacted by PL 1975, c. 397, § 2, are amended to read:

If the licensee, ~~or the certified applicator or the supervisor~~ fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee, ~~or the certified applicator or the supervisor~~ requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee, ~~or the certified applicator or the supervisor~~ and to appropriate federal and state agencies.

Sec. 7. 22 MRSA § 1471-D, sub-§ 8, first sentence, as repealed and replaced by PL 1977, c. 694, § 340, is amended to read:

The Administrative Court may suspend or revoke the certification or license of an applicator, **government pesticide supervisor** or ~~pesticide~~ pesticide dealer upon a finding that the applicant:

Sec. 8. 22 MRSA § 1471-M, sub-§ 1, ¶ A, as enacted by PL 1975, c. 397, § 2, is amended to read:

A. Establish categories, and where applicable subcategories, of commercial pesticide applicators and **government pesticide supervisors** depending upon the nature and extent of the pesticide use, the type of pesticide equipment, the degree of knowledge or skill required in their application and such other factors as the board deems relevant, provided that such categories shall be consistent with, but not limited to, the categories established by the ~~U.S.~~ **United States** Environmental Protection Agency;

Sec. 9. 22 MRSA § 1471-M, sub-§ 1, ¶ F is enacted to read:

F. Establish standards for the certification and renewal of certification of **government pesticide supervisors**. These standards may require that the applicant demonstrate, by written examination and, as appropriate, performance testing, knowledge of pests, formulation and labeling of pesticides, equipment and application techniques, safety precautions, potential harmful effects on the environment and applicable federal and state laws and regulations.

Effective September 18, 1981

CHAPTER 375

H. P. 1004 — L. D. 1238

AN ACT to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste.

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

38 MRSA § 1306-A, sub-§ 1, as enacted by PL 1979, c. 699, § 14, is amended to read:

1. **Class C Crimes.** Any person who with respect to any substance or material which, in fact, has been identified as hazardous waste by the board and which such person knows or has reason to believe has been so identified or may be harmful to human health, knowingly: