

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

part of the report to the director.

3. Redetermination. An individual receiving a personal care assistance services subsidy under section 3092-A shall be periodically reevaluated by an evaluation team to determine his continuing need for personal care assistance services and the extent of that need.

§3095-A. Rules

The director of the bureau may, acting under Title 5, chapter 375, promulgate all rules necessary to carry out his duties under this chapter.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Bureau of Rehabilitation		
All Other	\$95,000	\$98,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 30, 1983.

CHAPTER 542

S.P. 501 - L.D. 1513

**AN ACT to Provide for the
Return and Proper Disposal
of Pesticide Containers.**

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

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

§1471-A. Purpose and policy

For the purpose of assuring to the public the benefits to be derived from the safe, scientific and proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the

further purpose of protecting natural resources of the State, it is declared to be the policy of the State of Maine to regulate the sale and application of chemical insecticides, fungicides, herbicides and other chemical pesticides, and to regulate the return and disposal of limited and restricted use pesticide containers.

Sec. 2. 22 MRSA §1471-Q is enacted to read:

§1471-Q. Return and disposal of limited and restricted use pesticide containers

1. Purpose. The purpose of this section is to insure the triple rinsing or equivalent of limited and restricted use pesticide containers in accord with the board's regulations, and provide an incentive through a deposit system for the return of triple rinsed pesticide containers. All limited and restricted use pesticide containers shall have a sticker supplied by the board. That sticker shall be used to identify those limited and restricted use pesticide containers for which a deposit is required.

2. Scope. This section applies to all limited and restricted use pesticide containers, excluding those packaged in a cardboard, fiberboard or paper container, which are sold, bartered or traded within the State, or transported to the State for use in the State.

3. Deposit established. The board shall by regulation establish a deposit for restricted and limited use pesticide containers within the scope of this section which are sold, bartered or traded within the State, or transported into the State for use in the State. The deposit amount should be sufficient to promote the return of the limited and restricted use pesticide containers.

These regulations adopted by the board in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall thereafter be in effect until 90 days after the date of adjournment of the next regular session of the Legislature, unless the next regular session shall adopt by legislative enactment that regulation.

4. Dealers collect deposits. All pesticide dealers shall, at the time of purchase collect the deposit established by the board for each pesticide container subject to this section, which is sold, bartered or traded within the State or transported into the State for use in the State.

5. Stickers required. Upon the sale, trade or

barter of any pesticide container subject to this section, the pesticide dealer shall affix a sticker supplied by the board to identify those containers. The sticker shall indicate that the deposit has been paid and shall be designed so that it can be used to identify both the dealer and the purchaser.

After April 1, 1985, it shall be unlawful for any person to possess a limited or restricted use pesticide container subject to this regulation without a properly approved and affixed sticker, except pesticide dealers and distributors may hold containers if they are for sale and not for personal use.

6. Deposits refunded. Deposits will be refunded by pesticide dealers on all pesticide containers bearing the board's stickers at the place of business of the pesticide dealer who sold, bartered or traded the restricted or limited use pesticide or at a place otherwise established by regulation, provided that the containers have been triple rinsed or the equivalent in accord with the board's regulations prior to return.

7. Authority to adopt regulations. The board may promulgate rules and take such other actions as it deems necessary to carry out the provisions of this section.

Sec. 3. Effective date. Except as specifically provided otherwise, this section shall become effective on April 1, 1984.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund for the purposes of carrying out this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		

Board of Pesticide Control
Lab Fees

All Other	\$8,000	\$26,000
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Effective September 23, 1983, unless otherwise indicated.

CHAPTER 543

S.P. 496 - L.D. 1510

AN ACT to Create the Maine Conservation
Corps.