

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

CHAPTER 558

S.P. 553 - L.D. 1602

AN ACT to Protect the Public from Unsafe Pesticide Use.

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

Sec. 1. 7 MRSA §606, sub-§2, ¶F, as enacted by PL 1975, c. 382, §3, is amended to read:

F. For any person to refuse or otherwise fail to comply with the provisions of this subchapter, the regulations adopted hereunder, or of any lawful order of the commissioner; or

Sec. 2. 7 MRSA §606, sub-§2, ¶G is enacted to read:

G. For any person to apply pesticides in a manner which results in off-target residues. The Board of Pesticides Control shall issue standards to define what constitutes chemical trespass or off-target drift by June 1, 1984.

Sec. 3. 7 MRSA §607-A is enacted to read:

§607-A. Review or reregistration

1. Review required. The commissioner shall review all chemical pesticides used in this State, in accordance with the requirements of this section. This review shall be completed for presently registered pesticides on a schedule to be determined by the commissioner, with restricted use pesticides and the most widely used pesticides receiving priority, and within 3 years for pesticides registered after the effective date of this section.

2. Review process. In cooperation with technical personnel of the Department of Environmental Protection; the Department of Inland Fisheries and Wildlife; the Department of Human Services; and the Department of Conservation, specifically the Maine Forest Service, the commissioner shall conduct a review to include the following:

A. An environmental risk assessment to determine the effects of pesticides on the ecosystem. This assessment is to be based on available literature. The commissioner shall request data that he determines necessary to carry out the purpose

of this chapter, but, when the literature is not available, is inadequate or incomplete, this assessment shall be based on an environmental monitoring protocol;

B. A health risk assessment, based on a literature search of laboratory, clinical and epidemiological data available within and without the State. The commissioner shall request data he determines necessary to carry out the purpose of this chapter; and

C. A water residue survey to determine a representative sample of a number of wells or bodies of water, either at random, in areas of possible contamination or at other bases to be described by the commissioner, for the purpose of testing these waters and preparing a profile of the kinds and amounts of pesticides present.

3. Effect of review on reregistration. If the reviews in this section demonstrate that the impact of the pesticide on the ecosystem warrants additional health or environmental safeguards, the commissioner shall require implementation of those safeguards prior to reregistration.

Sec. 4. 7 MRSA §611, sub-§3 is enacted to read:

3. Repeated violations. The commissioner shall record all violations of this chapter and Title 22, chapter 258-A, including the name of the owner of the land on which the pesticides were intended to be applied, the name of the licensed pesticides applicator and the name of the person who contracted the pesticide application services. The commissioner shall identify persons who repeatedly violate provisions relating to pesticide use and recommend to the Attorney General methods to prevent these repeated violations.

Sec. 5. 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>AGRICULTURE, FOOD</u>		
<u>AND RURAL RESOURCES,</u>		
<u>DEPARTMENT OF</u>		
Board of Pesti-		
cide Review		
Environmental Risk		
Assessment		
All Other	\$26,000	

1983-84

1984-85

Health Risk
Assessment
All Other

\$8,000

Effective September 23, 1983.

CHAPTER 559

S.P. 575 - L.D. 1652

AN ACT to Rejuvenate the Fishing Industry in Maine.

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

Sec. 1. 12 MRSA §6075 is enacted to read:

§6075. Pathology program

1. Purposes. The purposes of this section are to increase the availability of pathological assessment of shellfish stock to be introduced into the State for culturing purposes, of culturing facilities and areas and of shellstock to be exported to other states and countries. This shall be provided as a service to protect the state's waters and other resources, and to support the shellfish industries of the State.

2. Responsibilities. The department shall be the state agency responsible for carrying out necessary shellfish pathology services related to the importation and exportation of shellfish.

Sec. 2. 12 MRSA §6675 is enacted to read:

§6675. Shellfish reseeded program

The department shall carry out a program of shellfish reseeded. The program shall include such activities as the transplanting of soft shell clams from areas of large concentrations to potentially productive areas, and relaying shellfish otherwise inhibited from attaining optimum market size. The program may be carried out in cooperation with municipal and joint shellfish conservation programs. The department may close areas under section 6171 to protect reseeded flats, including areas subject to municipal shellfish conservation ordinances.