

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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- (8) Job training, including participants and types of programs;
- (9) Business financing data;
- (10) General assistance data, including state and municipal assistance;
- (11) Business growth and change, including business expansions, new businesses and business closings;
- (12) Changes in land use from an undeveloped status to a developed status;
- (13) Investments in business in this State which shall be differentiated in accordance with the Standard Industrial Classification Code;
- (14) Business usage of electrical power, differentiated according to Standard Industrial Classification Code standards;
- (15) Data by which employment and unemployment patterns, poverty and low-income patterns and economically distressed communities and regions can be determined; and
- (16) Taxation data maintained by the Bureau of Taxation.

B. In the event that there are any problems with respect to the successful implementation of this subsection, the board shall report these problems to the joint standing committee of the Legislature having jurisdiction over economic development. The board shall cite the agency or agencies which cannot make the information available to fill the needs of the Department of Economic and Community Development and the State Planning Office, any law or rule that prevents or impedes the successful implementation of this subsection and any other reasons for the problems of implementing this subsection.

C. The Department of Economic and Community Development and the State Planning Office shall report to the board and to the joint standing committee of the Legislature having jurisdiction over economic development any problems that prevent or impede the successful implementation of this subsection and the reasons for these problems.

Sec. 5. 5 MRSA §1893, sub-§9 is enacted to read:

9. Report to the Legislature. The board shall annually report its findings and recommendations with respect to the provisions of subsection 8 to the joint standing committee of the Legislature having jurisdiction over economic development by the 3rd Wednesday in January, except as provided in this subsection. In January 1989, the board shall report to the committee an estimated schedule for reporting the information re-

quired by this subsection. This report, at a minimum, shall contain the following:

- A. A description of the data and information that is available;
- B. The format of the data and information, including geographical units, in which the data is collected or organized;
- C. The extent to which the data is available on computer and a description of data that is recorded manually;
- D. The age of the data;
- E. The frequency of maintenance and updating the data;
- F. The extent to which the data can be organized by municipalities;
- G. Alternatives for coordinating the data, including formats and compatibility, and the estimated dates by which these alternatives could be achieved;
- H. The costs of the alternatives described in paragraph G; and
- I. The means by which the users of this information may have ready and easy access to this information.

Effective August 4, 1988.

## CHAPTER 702

H.P. 1557 — L.D. 2121

### AN ACT to Improve the Regulation of Pesticides.

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

Sec. 1. 7 MRSA §625 is enacted to read:

§625. Right-of-way spraying; no-spray agreements

Any public utility or the Department of Transportation, which maintains a right-of-way through a municipality shall offer a no-spray agreement, with reasonable provisions, for the municipality to consider if it desires. Any agreement negotiated may include, but is not limited to, the responsibilities of the parties, the allocation of costs and the rights and remedies of the parties in the event of default and may apply to all or any part of the right-of-way within the municipality. Any agreement reached under this section must be negotiated in good faith, written and signed by all parties. As part of the no-spray agreement, the municipality may either perform the vegetation control work to standards

as provided in the agreement, or else contract with the public utility or the Department of Transportation to conduct the work.

If a reasonable no-spray agreement is offered to a municipality and an agreement is not reached within 90 days after the date of the offer, the public utility or the Department of Transportation at its own option may apply pesticides in the right-of-way under its jurisdiction or use other methods to control the vegetation. If the municipality agrees to perform vegetation control work, but does not perform it by the agreed-upon date, the public utility or the Department of Transportation, after 90 days written notice to the municipality, at its own option may apply pesticides in the right-of-way under its jurisdiction, or use other methods to control the vegetation.

It is the intent of this section to make available to municipalities an alternative to right-of-way maintenance procedures which use pesticides. This section does not affect municipal authority to enact ordinances nor the authority of public utilities or the Department of Transportation to maintain its right-of-way clear of unwanted vegetation in the absence of an agreement.

Sec. 2. 22 MRSA §1471-B, sub-§1, as amended by PL 1985, c. 779, §60, is further amended to read:

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004, subsection 5, within the Department of Agriculture, Food and Rural Resources. The Except as provided in this chapter, the board shall be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the legislature having jurisdiction over the subject of agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the board, one person shall be appointed who has practical experience and knowledge in chemical use in the field of agriculture, one who has practical experience and knowledge in chemical use in the field of forest management, a commercial applicator, a person from the medical community, a scientist from the University of Maine System specializing in agronomy or entomology having practical experience and knowledge of integrated pest management and 2 persons appointed to represent the public. The public members 2 members appointed to represent the public shall be selected to represent different economic or geographic areas of the State. The term shall be for 4 years, except that of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and one shall serve a one-year term. Any vacancy shall be filled by an appointment for the remainder of the unexpired term.

Sec. 3. 22 MRSA §1471-M, sub-§2, ¶A, as amended by PL 1977, c. 694, §344, is repealed.

Sec. 4. 22 MRSA §1471-M, sub-§2, ¶C, as amended by PL 1981, c. 470, Pt. A, §69, is further amended to read:

C. On its own or in cooperation with other agencies or persons, publish such information as it deems appropriate, including information concerning injury which might result from improper application or handling of pesticides, and methods and precautions designed to prevent the injury; and

Sec. 5. 22 MRSA §1471-M, sub-§4 is enacted to read:

4. Designation of critical areas. The board may designate critical areas which shall include, but not be limited to, areas where pesticide use would jeopardize endangered species or critical wildlife habitat, present an unreasonable threat to quality of the water supply, be contrary to a master plan for the area where such area is held or managed by an agency of the State or Federal Government, or would otherwise result in unreasonable adverse effects on the public health, welfare or the environment of the area. The designation of a critical area may prohibit pesticide use or may include such limitations on such use as the board deems appropriate. The proceedings to designate a critical area under this section shall conform to Title 5, chapter 375, subchapter II;

The board, by rule, shall establish criteria for designation of critical areas by March 1, 1989.

In addition to the provisions of the Maine Administrative Procedure Act, Title 5, section 8001, any municipality and, for the purpose of representing unorganized territory, any county may petition the board for establishment of a critical area within their boundaries. If the board designates a critical area, the board shall develop a pesticide management plan for that area after receiving comments from the municipality or, for unorganized territory, the county; the volunteer medical advisory panel as established through the board; local applicators; owners of land within the critical area; and other interested parties and agencies.

Sec. 6. 22 MRSA §§1471-U and 1471-V are enacted to read:

#### §1471-U. Municipal ordinances

1. Centralized listing. The Board of Pesticides Control shall maintain for informational purposes, for the entire State, a centralized listing of municipal ordinances that specifically apply to pesticide storage, distribution or use.

2. Existing ordinances. The clerk of any municipality which, on the effective date of this section, has an ordinance to be listed under subsection 1 shall file a copy of that ordinance with the board by December 31, 1988.

3. New ordinances. The clerk of the municipality shall provide the board with notice and a copy of any ordinance to be listed under subsection 1 at least 7 days prior to the meeting of the legislative body or the public hearing at which adoption of the ordinance will be considered. The clerk shall notify the board within 30 days after adoption of the ordinance.

4. Intent. It is the intent of this section to provide information on municipal ordinances. This section shall not affect municipal authority to enact ordinances.

5. Failure to file. For any ordinance which is not filed with the board, with notice given to the board in accordance with this section, which is otherwise valid under the laws of this State, any provision that specifically applies to storage, distribution or use of pesticides shall be considered void and of no effect after the deadline for filing and until the board is given proper notice and the ordinance is filed with the board.

#### §1471-V. Local participation

1. Representation. When the board, under section 1471-M, considers the designation of a critical area or the establishment of a pesticide management plan for a critical area, the municipal officers of any affected municipality, or county commissioners in the case of unorganized territories, shall be given the opportunity to select a local representative to serve as an additional board member. For a given action, there shall be only one local representative who shall represent the affected municipality or unorganized territory.

2. Participation and voting procedure. A local representative appointed under this section may participate officially and vote in deliberations on the designation of a critical area or on the establishment of a pesticide management plan only for a critical area which is in the municipality or unorganized territory represented. A local representative may participate on the board until final designation of the critical area or final establishment of the pesticide management plan, including any administrative or judicial appeals. When the board considers a proposed critical area or pesticide management plan that affects more than one municipality, the board shall take separate action on the portion in each municipality.

3. Compensation. Local representatives shall be reimbursed only for expenses as regular board members during the period of their service, to be paid by the board.

Sec. 7. Pesticide storage. By July 1, 1989, the Board of Pesticides Control shall adopt rules governing the storage of pesticides for longer than 60 days, pursuant to the Maine Revised Statutes, Title 22, section 1471-O, and Title 7, section 610, subsection 2, paragraph B. Those rules shall provide for minimum state criteria for the siting, design and operation of facilities for the storage of pesticides for wholesale and retail purposes for longer than 60 days. The board may also establish, by rule, minimum quantities to be regulated.

Effective August 4, 1988.

## CHAPTER 703

H.P. 1679 — L.D. 2308

## AN ACT to Designate the Schooner Bowdoin as the Official State Vessel.

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

Sec. 1. 1 MRSA §218 is enacted to read:

#### §218. State vessel

The schooner "Bowdoin" shall be the official state vessel.

Sec. 2. Application and limitations. Section 1 shall take effect only in accordance with the provisions of this section. Nothing in this Act may be construed to require the State to be responsible for any liabilities or obligations incurred by the owner or owners of the schooner "Bowdoin." The State shall not be held responsible in whole or in part for the maintenance, repair, reconstruction or any other costs or obligations incurred by the schooner "Bowdoin." If ownership of the schooner "Bowdoin" is transferred to any entity other than a nonprofit corporation or to any person, firm or organization located outside the State or if the schooner is leased to any entity other than a nonprofit corporation, the designation of the schooner "Bowdoin" as the official state vessel shall be null and void.

Effective August 4, 1988.

## CHAPTER 704

H.P. 1888 — L.D. 2583

## AN ACT Concerning Charter Changes in Quasi-Municipal Corporations or Districts.

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

30 MRSA c. 250 is enacted to read:

#### CHAPTER 250

#### QUASI-MUNICIPAL CORPORATIONS OR DISTRICTS

#### §5501. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Affected municipalities. "Affected municipalities" means the municipalities of which part or all is embraced by the quasi-municipal corporation or district.

2. Charter amendment. "Charter amendment" means a change in the charter of a quasi-municipal corporation or district which is not a charter revision.