

# 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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In execution of the powers given it under this Title, the court may employ any compulsory process which it deems proper, by execution attachment or other effectual form, on which costs shall be taxed as in other actions.

Effective August 4, 1988.

## CHAPTER 722

H.P. 1806 — L.D. 2472

### AN ACT to Clarify the Obligations of Distributors, Dealers and Redemption Centers.

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

32 MRSA §1866, sub-§5 is enacted to read:

5. Obligation to pick up containers. A distributor has the obligation to pick up any empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the distributor from dealers to whom that distributor has sold those beverages and from licensed redemption centers designated to serve those dealers pursuant to an order entered under section 1867. With respect to distributors who, within this State, sell beverages under a particular label exclusively to one dealer, which dealer offers those labeled beverages for sale at retail exclusively at its own establishments, the distributor shall have the obligation to pick up any empty, unbroken and reasonably clean beverage containers of the kind, size and brand sold by the distributor to the dealer only from those licensed redemption centers which serve the various establishments of the dealer, pursuant to an order entered under section 1867. A dealer who manufactures its own beverages for exclusive sale by that dealer at retail shall have the obligation of a distributor under this section. The commissioner may establish by rule, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, criteria prescribing the manner in which distributors shall fulfill the obligations imposed by this subsection. The rules may establish a minimum number or value of containers below which a distributor shall not be required to respond to a request to pick up empty containers. Any rules promulgated under this subsection shall allocate the burdens associated with the handling, storage and transportation of empty containers so as not to create unreasonable financial or other hardship.

Effective August 4, 1988.

## CHAPTER 723

H.P. 1514 — L.D. 2067

### AN ACT to Provide Additional Resources to the Board of Pesticides Control.

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

Sec. 1. 7 MRSA §607, sub-§6, as repealed and replaced by PL 1987, c. 310, §1, is repealed and the following enacted in its place:

6. Registration fee; validity. The applicant desiring to register a pesticide shall pay an annual registration fee of \$85 in calendar year 1988 and thereafter for each pesticide registered for that applicant. Annual registration periods shall expire on December 31st of any one year or in a manner consistent with the Maine Administrative Procedure Act, Title 5, section 10002, as to license expiration, whichever is later.

Sec. 2. 22 MRSA §1471-C, sub-§§11-B and 11-C are enacted to read:

11-B. General use pesticide. "General use pesticide" means any pesticide which has been registered by the United States Environmental Protection Agency as evidenced by a registration number on the label and which is not a restricted use or limited use pesticide, as defined in this section. Pesticides restricted by the United States Environmental Protection Agency are so identified on the label. Pesticides restricted or limited by the Board of Pesticides Control are listed by the board.

11-C. General use pesticide dealer. "General use pesticide dealer" means any person who distributes general use pesticides.

Sec. 3. 22 MRSA §1471-C, sub-§13-A is enacted to read:

13-A. Household use pesticide product. "Household use pesticide product" means any general use pesticide product which contains no more than 3% active ingredients and which is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section 1471-U, subsection 5, petroleum solvents shall not be considered active ingredients.

Sec. 4. 22 MRSA §1471-U is enacted to read:

§1471-U. General use pesticide dealers

1. License required. Unless exempted under subsection 5, no person may distribute general use pesticides without a license.

2. Issuance of license. The Board of Pesticides Control shall issue a license to distribute general use pesticides to any person upon payment of a fee of \$20 for a calendar year or any part of a calendar year. Any person licensed to distribute restricted use pesticides shall be considered licensed to distribute general use pesticides without any additional fee. All fees collected under this section shall be deposited in the Board of Pesticides Control Special Fund.

3. Records; reporting. Any person licensed to distribute general use pesticides shall keep and maintain records of annual pesticide sales and shall make them available on request to the board. Those records shall include the name of the pesticide, the concentration of active ingredients, the quantity sold and such other information as the board may require by rule, and shall be kept on a calendar year basis. The records shall be kept for 2 years after the end of the calendar year. The board, by rule, may require submission of an annual written report on sales of general use pesticides or a sub-category of them. The board may not require recordkeeping on the sale of household use pesticide products.

4. Violations; penalty. Any person required to be licensed under subsection 1 who sells general use pesticides without a license commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Any person who fails to keep or maintain required records of general use pesticide sales commits a civil violation for which a forfeiture not to exceed \$250 may be adjudged.

5. Exemptions. The following situations are exempt from the provisions of this section.

A. Any person may distribute the following products without a general use pesticide dealer license:

(1) Household use pesticide products with no more than 3 percent active ingredients;

(2) The following products, which have limited percentages of active ingredients:

(a) Dichlorovos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;

(3) The following products with unlimited percentages of active ingredients:

(a) Pet supplies such as shampoos, tick and flea collars and dusts;

(b) Disinfectants, germicides, bactericides and virucides;

(c) Insect repellents;

(d) Indoor and outdoor animal repellents;

(e) Moth flakes, crystals, cakes and nuggets;

(f) Indoor aquarium supplies;

(g) Swimming pool supplies; and

(h) Pediculocides and mange cure on man.

B. The board may promulgate rules to exempt the

sale of additional general use pesticide products from the dealer licensing provisions of this section.

Sec. 5. Allocation. The following funds are allocated from the Board of Pesticides Control Special Fund to carry out the purposes of this Act.

	1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>	
Board of Pesticides Control	
Positions	(2)
Personal Services	\$60,000
All Other	28,000
Total	<u>\$88,000</u>

Provides funds to establish 2 full-time positions within the Board of Pesticides Control. A full-time person to direct the review of the toxicological properties of pesticides in connection with registration and reviews of health data, manage contracts for special studies and respond to inquiries on health effects, and who will be the chief contact with the Bureau of Health and the Board of Pesticides Control Medical Advisory Committee and will also be available to the Bureau of Public Services for food safety issues; and a full-time person to prepare newsletters and brochures and publish information for pesticide applicators and dealers and the general public. Also provides funds for a \$22,000 grant to the Cooperative Extension Service of the University of Maine System to develop and revise training manuals for applicator licensing and recertification.

Sec. 6. Effective date. Section 4 of this Act shall take effect on January 1, 1989.

Effective August 4, 1988, unless otherwise indicated.

**CHAPTER 724**

S.P. 980 — L.D. 2605

**AN ACT to Extend a Sunset Provision in the Civil Service Law.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Administration and the organizations representing state employees have been engaged in collective bargaining with respect to job classification standards; and

Whereas, the collective bargaining process stopped as a result of the sunset provision within the law providing for collective bargaining of these standards; and