

# 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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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.

AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

1988-89

## Board of Pesticides Control

Positions	(2)
Personal Services	\$60,000
All Other	28,000

## Total

\$88,000

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

Whereas, it is necessary to continue collective bargaining of the standards as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 5 MRSA §7061, sub-§3, as repealed by 5 MRSA §7061, sub-§7, is reenacted to read:

3. Collective bargaining. The provisions of this section are subject to the requirements of Title 26, section 979-D, subsection 1, paragraph E. In negotiations over these subjects, the collective bargaining parties shall endeavor to establish standards or modify standards established under this section, for the preparation and updating of written job classification specifications that, at a minimum, shall result in specifications that accurately describe the duties and representative tasks of the job classification as well as other aspects of the job that are considered and evaluated under the compensation system and in specifications that distinguish each job classification within a job series. The collective bargaining parties shall bargain over these subjects in the separate negotiations over the subjects described in Title 26, section 979-D, subsection 1, paragraph E, subparagraph (1), divisions (g), (h) and (i), instead of in negotiations over all other negotiable subjects.

**Sec. 2.** 5 MRSA §7061, sub-§7, as enacted by PL 1987, c. 541, is amended to read:

7. Sunset. Subsection 3 is repealed March 15, 1988 1990.

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

Effective April 14, 1988.

## CHAPTER 725

H.P. 1503 — L.D. 2053

### AN ACT Allowing Waiver of Certificate of Need Review Requirements for Projects Other Than Those Related to Acute Patient Care When the Waiver Would Further the Purposes of the Maine Certificate of Need Act.

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

Whereas, certain health care facilities have experienced unnecessary costs and delays through the certificate of need process; and

Whereas, the health services provided by these facilities should be available to Maine citizens without delay; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 22 MRSA §304-A, 2nd ¶, as amended by PL 1985, c. 338, §1, is further amended to read:

Except as provided in section ~~304-C~~ sections 304-D and 304-E, a certificate of need from the department shall be required for:

**Sec. 2.** 22 MRSA §304-E is enacted to read:

§304-E. Waiver of certificate of need review when review is unnecessary and serves no public purpose

1. Request for waiver. An applicant for a project requiring a certificate of need, other than a project related to acute patient care or a project that could affect the financial requirements of a hospital under chapter 107, may request a waiver of the review requirements under this chapter. The applicant shall submit, with the request, sufficient written documentation to demonstrate that the proposed project meets the conditions of this section and that sufficient public notice of the proposed waiver has been given.

2. Public notice. The applicant shall give public notice, on a form provided by the department, of its intention to seek a waiver of full review. This notice shall be given in the Kennebec Journal and in a daily newspaper of general circulation in the applicant's service area. The public shall be given 10 days from the date of publication within which to submit to the department any comments concerning the proposed waiver of review.

3. Criteria for waiver. The department may waive the requirement for a full certificate of need review of a project, if the department finds that the waiver, rather than full review, would best further the purposes of the Maine Certificate of Need Act, as set forth in section 302, subsection 2. When making this determination, the department shall consider a number of factors including, but not limited to:

A. Whether the proposed project would incur no or minimal additional expense to the public or to the health care facility's clients;

B. Whether the proposed project is or will be in compliance with other state and local laws and regulations;