

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 93

H.P. 135 - L.D. 179

An Act Concerning the Regulation of
General Use Pesticides

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

Whereas, stores that sell pesticides, including garden and lawn chemicals, need to know before spring which inventories they need to monitor; 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Sec. 1. 22 MRSA §1471-U, as enacted by PL 1987, c. 702, §6 and c. 723, §§4 and 6, is repealed and the following enacted in its place:

§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.

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

§1471-W. 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 for all liquid products sold in containers of one quart or more or solid products weighing 5 pounds or more. Those records shall include the name of the pesticide, the concentration of active ingredients and the quantity sold, 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 may not require record keeping on the sale of household use pesticide products. All general use pesticide dealers shall submit annually a report to the board showing total sales volumes and weights of each pesticide required to be recorded under this subsection.

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% 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;

(h) Pediculocides and mange cure on man;

(i) Aerosol products; and

(j) General use paints, stains, and wood preservatives and sealants.

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section.

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

Effective May 3, 1989.

CHAPTER 94

H.P. 286 - L.D. 398

An Act to Include the Casco Bay Island Transit District under the Risk Management Division

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

5 MRSA §1728-A, sub-§1, as amended by PL 1987, c. 778, §1, is further amended to read:

1. Duties. The director shall provide insurance advice and services for the State Government and any department or agency thereof for all forms of insurance, except for those departments or agencies and those types of insurance otherwise provided for by law. The director shall provide insurance advice and services for family foster homes, as defined in Title 22, section 8101, subsection 3; and respite care providers, as defined in Title 34-B, section 6201, subsection 2-A; and the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22. The director shall be responsible for the acquisition and administration of all insurance purchased by the State, including the authority to purchase, on a competitive bid basis, insurance for the State for automobile, fire, liability and any other type of coverage which may be necessary to protect the State from financial loss. The director may enter into contracts for various types of claims management services in order to insure the most economically advantageous insur-

ance protection in the operation of the State's insurance coverage program. In these regards, the director has the following duties:

A. To review annually the entire subject of insurance as it applies to all state property and activities and other persons pursuant to this section, and to provide to the commissioner a statement of its activities during the year ending the preceding June 30th. This report shall include:

- (1) An evaluation of the state insurance program;
- (2) A complete statement of all types and costs of insurance in effect;
- (3) Names of agents and companies of record; and
- (4) Such other matters as the director determines to be appropriate and necessary or as the commissioner may request;

B. To recommend to the commissioner such insurance protection as the director may deem necessary or desirable for the protection of all state property or activities or other insureds under this section;

C. Pursuant to programs approved by the commissioner, to provide insurance protection for state property and liability insurance in accordance with the Maine Tort Claims Act, Title 14, section 8116, and premises liability, when required by a state lease or private property approved by the Attorney General, by self-insured retention, as provided, or purchase of insurance from companies or agents licensed to do business in this State, or by both, to effect the best possible contracts as to services, coverages and costs. The purchase of insurance under this section normally shall be made upon competitive bidding, except that the director may, in appropriate circumstances, purchase insurance by negotiation.

In the event of the purchase of insurance upon competitive bidding by qualified insurers, the director shall announce the low bid at a meeting advertised for the opening of bids, which, when approved by the commissioner, shall constitute an award of a contract of insurance;

D. To determine and review the values of property in which the State has an insurable or legal interest and recommend limits and types of insurance protection for that property;

E. To establish and promote safety and other loss prevention programs;

F. To receive and, with the assistance of the Attorney General, administer all claims for personal injury and property damage against the State; and