

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

and the Department of Environmental Protection shall jointly submit a report to the Joint Standing Committee on Utilities and Energy regarding the findings and recommendations of the stakeholder group. Following receipt and review of the report, the committee may submit legislation related to the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

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**CHAPTER 378**  
**H.P. 896 - L.D. 1293**

**An Act To Require Citizen  
Notification of Pesticide  
Applications Using Aerial  
Spray or Air-carrier  
Application Equipment**

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

**Sec. 1. 22 MRSA §1471-Y** is enacted to read:

**§1471-Y. Notification of outdoor pesticides application using aircraft or air-carrier equipment**

A land manager may not apply pesticides using aircraft or air-carrier equipment unless the notification requirements of this section are met.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Air-carrier equipment" means any application equipment that uses a mechanically generated airstream to propel spray droplets. "Air-carrier equipment" does not include air-assisted application equipment in which the airstream is directed downward into the target canopy.

B. "Land manager" means the owner of the land, a person leasing the land, or a person, firm, company or other legal entity designated by the owner to manage the land, vegetation on the land or pests occurring on the land.

C. "Neighbor" means an owner, lessee or occupant of a property that abuts or lies within 1,320 feet of an area.

**2. Mandatory notification.** A land manager intending to conduct application of pesticides using aircraft or air-carrier equipment shall provide written notification to residents and managers of buildings on abutting property at least 90 days prior to the first date of pesticides application. The notification must be provided in accordance with subsection 5 and include:

A. A general description of the method of application that is likely to occur;

B. The pesticides application schedule and circumstances under which the application is likely to take place;

C. The commercial and scientific names of pesticides likely to be applied; and

D. Reference to the registry of citizens developed and maintained by the board under section 1471-Z and a description of how to be placed on the registry.

Notification in compliance with this subsection fulfils the notification requirement for 3 years unless the information provided under paragraph A, B or C changes.

**3. Obligations to provide information.** A land manager intending to conduct an outdoor application of pesticides using aircraft or air-carrier equipment shall access the registry of citizens under section 1471-Z to determine any neighbors on the registry of citizens and shall provide those neighbors with notification in accordance with subsection 5 and at least 24 hours but not more than 7 days in advance of the application of:

A. The date and approximate time of application;

B. The type of equipment to be used and the manner in which the pesticides will be applied;

C. The commercial and scientific names and the United States Environmental Protection Agency's registration numbers for the pesticides to be used and, upon request, the material safety data sheets for the pesticides or copies of pesticides labels; and

D. Contact information for the land manager.

**4. Records maintained.** A land manager shall maintain records of communications with neighbors regarding an outdoor application of pesticides using aircraft or air-carrier equipment and the dates and means by which the notification required under subsection 2 was provided. The board shall supply forms for recording this information and the land manager shall use these forms. A land manager shall maintain a list of people receiving notification under subsection 2 or information under subsection 3 who ask not to be contacted in the future. A land manager may refrain from sending future notifications to these individuals.

**5. Means of notification.** A land manager conducting or contracting for a pesticides application using aircraft or air-carrier equipment shall make a good faith effort to convey the information required in subsections 2 and 3. Acceptable means of notification include:

A. Personal delivery of notification forms;

B. Mailing notification forms through the United States Postal Service; or

C. Electronic mailing of notification forms. Telephone calls, either personal or automated, are an acceptable means of notification under subsection 3.

**Sec. 2. 22 MRSA §1471-Z** is enacted to read:  
**§1471-Z. Registry of citizens requesting additional information**

The board shall develop and maintain a registry of residents and property owners in the State who request to be placed on a registry for the purpose of receiving information on the outdoor application of pesticides using aircraft or air-carrier equipment in addition to the information required under section 1471-Y.

**1. Development of a registry of citizens.** The board shall solicit participation in a registry of citizens through newspaper articles, public notices distributed to municipal offices and a notice posted on the board's publicly accessible website. To be placed on the registry, a person must submit to the board, using a form provided on the board's publicly accessible website or a paper copy provided by the board upon request, the following information:

- A. The person's full name;
- B. The person's telephone number;
- C. The location of the property owned, leased or occupied by the person registering. The location must be described in sufficient detail to be located on a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail;
- D. The person's mailing address; and
- E. The person's e-mail address.

Any resident, owner or lessee of property in the State is entitled to be placed on the registry of citizens. A fee may not be charged to register. Persons remain on the registry until they notify the board in writing that they want to be removed from the registry or until the board staff determines that the contact is no longer valid.

See title page for effective date.

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**CHAPTER 379**  
**H.P. 982 - L.D. 1406**

**An Act To Transfer the Seed  
Potato Board to the Maine  
Potato Board**

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

**Sec. 1. 7 MRSA §2151**, amended by PL 1989, c. 503, Pt. B, §45, is repealed and the following enacted in its place:

**§2151. Creation and membership**

The Seed Potato Board, established by Title 5, section 12004-H, subsection 5, is overseen by and is the responsibility of the Maine Potato Board, a public instrumentality of the State established in Title 36, section 4603. The Seed Potato Board, referred to in this chapter as "the seed board," consists of the commissioner and 8 members appointed in accordance with subsections 1 and 2.

**1. Appointments by the commissioner.** The commissioner shall appoint 2 members to the seed board as follows:

- A. A representative of the potato industry in a county other than Aroostook County; and
- B. A person producing potatoes in Aroostook County primarily for processing.

**2. Appointments by the Maine Potato Board.** The Maine Potato Board as established in Title 36, section 4603 shall appoint 6 members to the seed board representing the potato industry in Aroostook County, including:

- A. One producing primarily tablestock potatoes; and
- B. One producing potatoes primarily for processing.

**Sec. 2. 7 MRSA §2152**, as amended by PL 1983, c. 565, §4, is further amended to read:

**§2152. Terms; vacancies; expenses**

Each appointed member ~~shall serve~~ of the seed board serves for a term of ~~3~~ 2 years or until ~~his~~ the member's successor has been appointed and qualified, except that ~~no~~ a member may not serve for more than ~~2~~ 3 consecutive terms.

Upon the expiration of the term of office of any appointed member of the seed board, ~~said~~ the member's successor shall must be appointed by the ~~commissioner~~ member's appointing authority under section 2151, or in. In the case of a vacancy for any reason, the ~~commissioner~~ member's appointing authority under section 2151 shall appoint a member to fill the unexpired term.

The members of the ~~Seed Potato Board~~ shall receive no salary seed board are not entitled to compensation, but all their expenses incurred in attending meetings shall must be paid by the Maine Potato Board as established in Title 36, section 4603 out of the State Treasury, on certificate of the commissioner, upon the audit and warrant of the State Controller seed potato account established in accordance with Title 36, section 4604, subsection 4.