

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Sec. 2. 29-A MRSA §1402-A, sub-§4, ¶B, as enacted by PL 2003, c. 394, §4 and affected by §6, is repealed.

Sec. 3. 29-A MRSA §1402-A, sub-§4, ¶D, as enacted by PL 2003, c. 394, §4 and affected by §6, is repealed.

Sec. 4. 29-A MRSA §1402-B is enacted to read:

§1402-B. Organ Donation Advisory Council

1. Appointment; composition; term; compensation. The Organ Donation Advisory Council, established by Title 5, section 12004-I, subsection 36-E, referred to in this section as "the council," consists of 10 members as follows:

A. The Secretary of State or the secretary's designee;

B. The Commissioner of Health and Human Services or the commissioner's designee;

C. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles, appointed by the Secretary of State;

D. The president of a statewide medical society, appointed by the President of the Senate;

E. A representative of a federally designated organ procurement organization serving the State, appointed by the Speaker of the House of Representatives;

F. Three members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a recipient of a donated organ or tissue and at least one of whom must be a donor or a family member of a donor, appointed by the President of the Senate; and

G. Two members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a doctor experienced in organ and tissue transplantation, appointed by the Speaker of the House of Representatives.

All appointed members are appointed for a term of 3 years. A vacancy must be filled in the same manner as the position was originally filled for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. Members serve without compensation.

2. Meetings; reports. The council shall meet at least 4 times a year and convene special meetings at the call of the chair, a majority of the members of the council or the Secretary of State. The members of the council shall elect a chair, except that the Secretary of State may not be chair. The council shall make an an-

nual report to the Governor that must include an account of all actions taken to further organ and tissue donation and file a copy of the report to the Secretary of State, the Secretary of the Senate and the Clerk of the House of Representatives.

3. Duties. The council shall:

A. Assist the Secretary of State in coordinating the efforts of all public and private agencies within the State concerned with the donation and transplantation of organs and tissues;

B. Advise the Secretary of State on policy and priorities of need in the State for a comprehensive program relating to organ and tissue donation and transplantation;

C. Assist the Secretary of State in developing strategies to increase donations that the council may find effective; and

D. Establish numerical goals for increasing organ and tissue donation rates in the State, to include a baseline account of current organ and tissue donation rates, as well as periodic benchmarks for success. The bureau may provide monthly donor designation rates for each branch office of the bureau to assist in identifying goals.

Sec. 5. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1402-B, subsection 1, of the initial appointments to the Organ Donation Advisory Council pursuant to Title 29-A, section 1402-B, subsection 1, the appointments made pursuant to paragraphs E and G and 2 of the appointments made pursuant to paragraph F are for 2 years.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 30, 2011.

CHAPTER 169

H.P. 719 - L.D. 975

**An Act To Require
Certification of Private
Applicators of General Use
Pesticides**

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

Sec. 1. 22 MRSA §1471-C, sub-§22-A is enacted to read:

22-A. Private applicator of general use pesticides. "Private applicator of general use pesticides" means a person who uses or supervises the use of general use pesticides for purposes of producing agricul-

tural commodities on property owned or rented by that person or that person's employer when:

A. The agricultural commodities produced are plants or plant products intended for human consumption as food; and

B. The person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual income from the sale of those commodities.

Sec. 2. 22 MRSA §1471-D, sub-§2-D is enacted to read:

2-D. Certification required; private applicator of general use pesticides for food production. A private applicator of general use pesticides may not use or supervise the use of general use pesticides for food production without prior certification from the board, except that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator. Additional certification under this section is not required for a person certified as a commercial applicator or a private applicator under subsection 1 or 2, respectively.

Sec. 3. 22 MRSA §1471-M, sub-§1, ¶C-1 is enacted to read:

C-1. Establish standards for the certification and renewal of certification of private applicators of general use pesticides. Such standards must require that the private applicator of general use pesticides indicate satisfactory knowledge of pest problems and pest control practices, including as a minimum the ability to recognize common pests and the damage they cause, to understand the pesticide label and to apply pesticides in accordance with label instructions and warnings.

Sec. 4. Board of Pesticides Control to establish certification requirements. No later than January 1, 2012, the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall adopt rules under the Maine Revised Statutes, Title 22, section 1471-M, subsection 1, paragraph C-1 establishing certification requirements for private applicators of general use pesticides under Title 22, section 1471-D, subsection 2-D. The rules must require an initial certification examination and one hour per year of continuing education credits for recertification. Upon establishing certification requirements in rule, the board shall begin offering or arrange for the offering of courses and other opportunities to prepare applicators for the examination and to meet certification requirements. The board shall establish a license fee in rule that equals the license fee for a private applicator established in the board's rule in Chapter 32.

No later than April 1, 2012, the board shall begin outreach efforts to inform agricultural producers that,

beginning April 1, 2015, a license will be required to apply general use pesticides for food production.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Pesticides Control - Board of 0287

Initiative: Provides funding for one part-time Office Associate II position and related All Other to administer exams and training for farms.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$31,127	\$32,086
All Other	\$251	\$251
OTHER SPECIAL REVENUE FUNDS TOTAL	\$31,378	\$32,337

Sec. 6. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, section 1471-D, subsection 2-D takes effect April 1, 2015.

See title page for effective date, unless otherwise indicated.

CHAPTER 170

H.P. 394 - L.D. 501

An Act To Provide the Opportunity To Register with the Selective Service System When Obtaining a Driver's License or Nondriver Identification Card

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

Sec. 1. 29-A MRSA §1301, sub-§12 is enacted to read:

12. Selective service registration. Before issuing or renewing a driver's license to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant with a short statement on the requirements of the federal Military Selective Service Act, 50 United States Code, Section 453 and a federal Military Selective Service registration form. If an applicant consents to register with the federal Se-