

# 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.**

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**Augusta, Maine**  
**2011**

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-

lective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

**Sec. 2. 29-A MRSA §1410, sub-§10** is enacted to read:

**10. Selective service registration.** Before issuing or renewing a nondriver identification card 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 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 Selective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

See title page for effective date.

**CHAPTER 171**

**H.P. 959 - L.D. 1307**

**An Act To Amend and Clarify  
Certain Education Statutes**

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

**Sec. 1. 20-A MRSA §1252, sub-§2, ¶C**, as amended by PL 1983, c. 806, §15, is further amended to read:

C. A plan may not permit the voting power of any director to exceed by more than ~~2%~~ 5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

**Sec. 2. 20-A MRSA §1479, first ¶**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

A regional school unit shall maintain a program that includes kindergarten to grade 12 except for the school administrative districts that did not operate kindergarten to grade 12 that were reformulated into regional school units in accordance with Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48.

**Sec. 3. 20-A MRSA §1486, sub-§1**, as amended by PL 2009, c. 571, Pt. QQQ, §1, is further amended to read:

**1. Budget validation.** Following development of the annual regional school unit budget and approval at

a regional school unit budget meeting as provided in section 1485, a referendum must be held in the regional school unit as provided in this section to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative ~~district~~ unit may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

An article to consider reinstatement of the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the regional school unit board or a written petition filed with the regional school unit board by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative ~~district~~ unit. The regional school unit board shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the regional school unit board. If adopted by the voters, the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the budget validation referendum process may not be changed for 3 years.

**Sec. 4. 20-A MRSA §1511**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**§1511. Supermajority vote to close school in the regional school unit**

A school operated within the regional school unit may not be closed for lack of need unless closure of the school is approved at a regular or special meeting of the regional school unit board by an affirmative vote of 2/3 of the elected membership or voting power of the regional school unit board. A regional school unit must proceed in accordance with section 1512 for elementary schools or for secondary schools if the regional school unit has more than one secondary school. For regional school units with only one member municipality, section 1512 does not apply and the regional school unit must proceed in accordance with section 4102, subsection 4, paragraph B-1.

**Sec. 5. 20-A MRSA §2953, first ¶**, as amended by PL 2005, c. 153, §4, is repealed.