

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

April 2010

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1547**

## **An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment**

**PUBLIC 584  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM A OTP-AM B OTP-AM C	H-725 S-492 NUTTING J

This bill proposes revisions to requirements for notification of pesticides applications using aircraft or air-carrier equipment as enacted in Public Law 2009, chapter 378. The revisions include:

1. Excluding backpack sprayers from the definition of "air-carrier equipment";
2. Adding a definition for "sensitive area likely to be occupied" and requiring land managers to notify owners, lessees and managers before the beginning of the spray season of intended pesticides applications when the sensitive area abuts and lies within 1,320 feet of the intended spray area;
3. Allowing the information sent to participants in the pesticide information registry to be provided at any time the day before an application rather than a minimum of 24 hours before an application;
4. Authorizing waivers of notification requirements when public health or natural resources are threatened.

### **Committee Amendment "A" (H-725)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill and repeals the requirement enacted in Public Law 2009, chapter 378 for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing the spray into the crowns of fruit trees or Christmas trees where the maximum distance is 500 feet. The amendment authorizes the board to adopt certain rules as routine technical rules in 2010. It requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 regarding the comprehensive notification registry and notification requirements. The amendment directs the board to recommend legislation and authorizes the committee of jurisdiction to submit a bill to the 125th Legislature.

### **Committee Amendment "B" (H-726)**

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It differs from the majority report by requiring land managers to notify a person on the registry of all applications using air-carrier equipment when the registered property is within 1320 feet of the spray area. It also differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification.

### **Committee Amendment "C" (H-727)**

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It retains and revises the pre-season notification requirements enacted under Public Law 2009, chapter 378 and repealed in Committee Amendments "A" and "B". It includes a definition for "areas likely to be occupied" and specifies that pre-season notification need be sent only to residents and managers of areas likely to be occupied that lie within

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

1,320 feet of an intended spray area. Committee Amendment "C" differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification. Like Committee Amendment "B", this amendment does not lower the maximum distance requiring notification for applications into the crowns of fruit trees and Christmas trees using air-carrier equipment. This amendment differs from both the majority report and Committee Amendment "B" in that it does not contain an allowance for notification on the day of an application.

### **Senate Amendment "A" To Committee Amendment "A" (S-492)**

This amendment requires a land manager to provide people on the registry with the location of the property on which pesticides will be applied. It repeals the maximum distance of 500 feet for certain applications using air-carrier equipment effective January 1, 2012. It gives additional direction to the State Board of Pesticides Control in developing rules for notification of pesticides applications and in developing the report to be submitted to the joint standing committee of the Legislature having jurisdiction over agricultural matters.

It also removes authorization for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill during the 125th Legislature.

### **Enacted Law Summary**

Public Law 2009, chapter 584 repeals the requirement enacted in Public Law 2009, chapter 378 for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop a comprehensive registry of people wanting to be notified of pesticides applications near property they own or lease or on which they reside. This chapter directs the board to take certain actions to increase awareness of the registry and authorizes acceptance of donations and grants to promote awareness of the registry, to develop efficient mechanisms for accessing the registry and to promote compliance. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing spray into the crowns of fruit trees or Christmas trees. The maximum distance of 500 feet for these applications is repealed January 1, 2012.

Notification of those on the registry is not required for aerial pesticides applications to control forest pests and other applications covered under the Maine Revised Statutes, Title 22, section 1471-R when those applications are in compliance with the rules of the board or for nonagricultural pesticides applications when those applications are in compliance with notification requirements for people on the registry that existed prior to 2009. This exemption is in effect until January 1, 2012. Notification on the day of but prior to application of pesticides is acceptable in certain situations. The board is authorized to waive notification requirements when public health or natural resources are threatened.

Chapter 584 authorizes the board to adopt certain rules as routine technical rules in 2010 and requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 on progress made in developing a comprehensive notification registry, recommended distances and types of applications requiring notification, the effectiveness of public awareness activities, and alternate methods of providing notification to people on the registry.

Public Law 2009, chapter 584 was enacted as an emergency measure effective April 1, 2010.