

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 22 MRSA §1471-C, sub-§5, as amended by PL 1987, c. 243, §1, is further amended to read:

5. Commercial applicator. "Commercial applicator" means any person, except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments. ~~The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or nonpowered equipment, provided that the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.'~~

Amend the bill in section 1 by striking out all of subsection 5-A (page 1, lines 4 to 7 in L.D.) and inserting the following:

'5-A. Custom application. "Custom application" means anyan application of anya pesticide under contract or for which compensation is received or any application of a pesticide to a property open to use by the public.:

A. Under contract or for which compensation is received;

B. To a property open to use by the public; or

C. In a food establishment licensed under chapter 551 or an eating establishment licensed under chapter 562, except that "custom application" does not include a pesticides application at a licensed food or eating establishment when:

(1) The establishment is ancillary to the production of an agricultural commodity;

(2) The owner or an employee of that establishment is certified as a private applicator under section 1471-D, subsection 2; and

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(3) The property is not open to the public.

Amend the bill by striking out all of section 2 and inserting the following:

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

2-C. Exemptions or reduced licensing requirements for certain commercial or custom applications. The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or nonpowered equipment if the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Notwithstanding Title 7, section 610, subsection 6, rules adopted pursuant to this section to provide exemptions from licensing or reduced licensing requirements are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Directive to amend rules known as the Maine Food Code. Within 180 days of the effective date of this Act, the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services shall amend the rules adopted by those departments under the Maine Revised Statutes, Title 22, chapters 551 and 562, respectively, and known as the Maine Food Code, to reflect the statutory restrictions on pesticides applications imposed by this Act.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. The minority report is Ought Not To Pass.

It clarifies that only food establishments and eating establishments required to be licensed are being required to use a commercial applicator for pesticides in nonpublic areas. It uses existing statutory definitions for "food establishment" and "eating establishment." It clarifies that the State Board of Pesticides Control's rules to provide exemptions or reduced licensing requirements for certain applications are routine technical rules. It directs the departments with licensing authority and inspection responsibilities for food establishments and eating establishments to amend their rules to reflect these changes.

It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the public.

FISCAL NOTE REQUIRED
(See attached)