

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

An Act To Prohibit the Use of Pesticides in Certain Circumstances

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

Sec. 1. 7 MRSA §606, sub-§3 is enacted to read:

3. Unlawful use. A person may not use pesticides for the following purposes:

A. Improving the visual appearance or the aesthetic perception of a place;

B. Removal of unwanted roadside vegetation when mechanical removal of that vegetation or planting of a desirable, competitive ground cover would eliminate or control the unwanted roadside vegetation; or

C. Removal of unwanted vegetation at golf courses, public parks or private parks open to the public.

All persons, including state and municipal agencies, are subject to the prohibitions in this subsection and subsection 4.

Sec. 2. 7 MRSA §606, sub-§4 is enacted to read:

4. Aerial spraying of pesticides. A person may not apply pesticides using aircraft as defined in Title 22, section 1471-C, subsection 2.

Sec. 3. 22 MRSA §454-A, sub-§2, ¶H, as enacted by PL 2007, c. 598, §7, is amended to read:

H. Enforce public health safety laws, including:

(1) Laws pertaining to the exclusion of students from school under Title 20-A, section 6356;

(2) ~~Laws pertaining to control of browntail moths under section 1444;~~

(3) Laws pertaining to the removal of a private nuisance or nuisance of a dead animal under sections 1561 and 1562;

(4) Laws pertaining to the establishment of temporary health care facilities under section 1762; and

(5) Laws pertaining to prohibited dumping under Title 30-A, section 3352.

Sec. 4. 22 MRSA c. 257-A, as amended, is repealed.

Sec. 5. 22 MRSA §1471-R, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

Sec. 6. 22 MRSA §1471-S, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

Sec. 7. 22 MRSA §1471-T, as enacted by PL 1983, c. 819, Pt. A, §54, is repealed.

Sec. 8. 22 MRSA §1471-Z, sub-§2, as enacted by PL 2009, c. 584, §2, is amended to read:

2. Obligations to provide information to people on registry. A land manager intending to conduct an outdoor application of pesticides using ~~aircraft~~ or air-carrier equipment shall access the registry to identify any person entitled to notification under subsection 3 and, except as provided in subsections 5, 6 and 7, shall provide that person with notification no later than the day before and no earlier than 7 days before the day of the application. The notification must include:

- 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 brand names and the United States Environmental Protection Agency's registration numbers for the pesticides to be used;
- D. Contact information for the land manager; and
- E. The location of the property that the land manager intends to spray.

Upon the request of a person receiving notification under this subsection, a land manager shall provide the material safety data sheets for the pesticides being used or copies of the pesticides labels. A land manager is not required to postpone an application pending delivery of the requested information.

Sec. 9. 22 MRSA §1471-Z, sub-§3, ¶A, as enacted by PL 2009, c. 584, §2, is repealed.

Sec. 10. 22 MRSA §1471-Z, sub-§4, as enacted by PL 2009, c. 584, §2, is amended to read:

4. 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 subsection 2. Acceptable means of notification include:

- A. Personal delivery of notification forms;
- B. Mailing notification forms through the United States Postal Service;
- C. Electronic mailing of notification forms;
- D. Telephone calls, either personal or automated; or
- E. Other means determined acceptable by the board.

Sec. 11. 22 MRSA §1471-Z, sub-§7, ¶A, as enacted by PL 2009, c. 584, §2, is repealed.

Sec. 12. Board of Pesticides Control to revise rules. The Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall revise its rules as necessary to be consistent with this Act. Necessary revisions must be made and in effect no later than April 1, 2012. Notwithstanding the Maine Revised Statutes, Title 7, section 610, subsection 6 and Title 22, section 1471-Z, subsection 9, rules adopted or amended under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 13. Naturally occurring pesticides as alternative to synthetic chemicals. As resources allow, the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control shall review naturally occurring pesticides and identify those that provide an effective substitute for synthetic chemicals that are more toxic to humans. The board shall develop a list of pest problems that can be addressed with a specific naturally occurring pesticide and move toward prohibiting the use of a more toxic synthetic chemical wherever feasible.

SUMMARY

This bill prohibits the application of pesticides using aircraft. It prohibits use of pesticides for aesthetic purposes, for removing vegetation in parks and for removing roadside vegetation when the vegetation can be controlled by other means. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to revise its rules as necessary to be consistent with this Act and designates such rules as routine technical. It directs the board to examine the feasibility of prohibiting synthetic chemical pesticides when less toxic, naturally occurring pesticides provide a better alternative.