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

- A. The agricultural commodities produced are 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.

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.

Sec. 5. 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, 2012.

SUMMARY

This bill requires certification of private applicators using general use pesticides in the commercial production of food intended for human consumption beginning April 1, 2012. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish certification requirements by rule no later than January 1, 2012.