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An Act To Simplify and Enhance Pest Control Notification

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

Sec. 1. 22 MRSA §1471-Z, first ¶, as amended by PL 2009, c. 584, §2, is further amended to read:

The board shall develop and maintain a registry of the properties of residents, lessees and property owners in the State who request that their properties be placed on a registry in order that the residents, lessees and owners receive advance notification of the outdoor application of pesticides. This registry must be the only registry or system used by the board to form the basis of a mandatory notification system for outdoor applications of pesticides.

Sec. 2. 22 MRSA §1471-Z, sub-§1, as amended by PL 2009, c. 584, §2, is further amended to read:

1. Development of registry. The board shall solicit participation in the registry through newspaper articles, public notices distributed to municipal offices and a notice posted on the board's publicly accessible website. For a property to be placed on the registry, a person must submit to the board, using a form provided on the board's publicly accessible website or a paper copy provided by the board upon request, the following information:

- A. The person's full name;
- B. The person's telephone number;
- C. The physical location of the property being registered, including the street address if available. If a street address is not available, longitude and latitude coordinates or a description of the property in sufficient detail to be located on a 7.5 or 15 minute series topographical map must be provided;
- D. The mailing address at which the person prefers to receive notification;
- E. The person's e-mail address if available, regularly used and acceptable for notification purposes; and
- F. The person's preferred means of notification.

Any resident, owner or lessee of property in the State is entitled to have that property placed on the registry. A fee may not be charged to register. Property must remain on the registry until the resident, owner or lessee notifies the board in writing that the property is to be removed from the registry or until the board staff determines that the contact is no longer valid. A registrant shall update or confirm the registrant's contact information annually with the board by a date determined by the board. The property of a registrant that has not updated or confirmed all of the registrant's contact information by the date set by the board must be removed from the registry.

Sec. 3. 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, ~~and 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. 4. 22 MRSA §1471-Z, sub-§3, as enacted by PL 2009, c. 584, §2, is repealed and the following enacted in its place:

3. Criteria requiring notification. The board shall determine the distances between properties and outdoor applications of pesticides within which a land manager is required to notify a person whose property is on the registry of an application based on the type of equipment used to make the application.

Sec. 5. 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~~ an outdoor application using aircraft or air-carrier equipment of pesticides 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. 6. 22 MRSA §1471-Z, sub-§7, as enacted by PL 2009, c. 584, §2, is repealed.

Sec. 7. 22 MRSA §1471-Z, sub-§9, as enacted by PL 2009, c. 584, §2, is amended to read:

9. Rulemaking. The board shall adopt rules to implement this section. The rules may provide additional means of identifying property registered under subsection 1 and alternate means of providing notification under subsection 2. ~~Notwithstanding Title 7, section 610, subsection 6, paragraph B, rules adopted or amended in 2010 to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning January 1, 2011, revisions to rules~~Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 22 MRSA §1471-Z, sub-§10, ¶A, as enacted by PL 2009, c. 584, §2, is repealed.

SUMMARY

This bill amends the notification process for pesticides applications. The bill directs that the registry established by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is the only mandatory notification system for outdoor applications. It requires all registrants to update or confirm their contact information annually. The bill amends notification requirements that currently apply to applications made using aircraft or air-carrier equipment to provide that the requirements apply to outdoor applications generally. It requires that the board determine the distances between properties and applications within which a land manager is required to notify a person whose property is on the registry of an application based on the type of equipment used to make the application; currently, these distances are set out in statute.