

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 719 - L.D. 975

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 plants or plant products 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. Additional certification under this section is not required for a person certified as a commercial applicator or a private applicator under subsection 1 or 2, respectively.

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. The rules must require an initial certification examination and one hour per year of continuing education credits for recertification. Upon establishing certification requirements in rule, the board shall begin offering or arrange for the offering of courses and other opportunities to prepare applicators for the examination and to meet certification requirements. The board shall establish a license fee in rule that equals the license fee for a private applicator established in the board's rule in Chapter 32.

No later than April 1, 2012, the board shall begin outreach efforts to inform agricultural producers that, beginning April 1, 2015, a license will be required to apply general use pesticides for food production.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF
Pesticides Control - Board of 0287**

Initiative: Provides funding for one part-time Office Associate II position and related All Other to administer exams and training for farms.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$31,127	\$32,086
All Other	\$251	\$251
OTHER SPECIAL REVENUE FUNDS TOTAL	\$31,378	\$32,337

Sec. 6. 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, 2015.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor