

Proposed Administrative Consent Agreement Background Summary

Subject: Joseph Lemar
20 Calls Hill Road
Dresden, Maine 04342

Date of Incident(s): One application sometime between 4-12-12 and 2013 growing season.

Background Narrative: On October, 2, 2014, the Board received an email from a landowner in Dresden. The landowner raised concerns over an itemized invoice she received from Lemar for work done on her blueberry land that included a line item for “poison”. Lemar later confirmed to a Board inspector that he made an application of Roundup Herbicide to the landowner’s blueberry land in Dresden. Lemar was not licensed as a commercial applicator to apply pesticides.

Summary of Violation(s):

Any person making a pesticide application that is a custom application, as defined under 22 M.R.S. § 1471-C(5-A), must be a certified commercial applicator or under the direct supervision of a certified applicator in accordance with 22 M.R.S. § 1471-D(1)(A) and CMR 01-026 Chapter 31 Section 1(A) III.

Rationale for Settlement: The staff compared the violations to similar cases settled by the Board.

Attachments: Proposed Consent Agreement

10. That this Agreement shall not become effective unless and until the Board accepts it.

11. That, in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in paragraph seven, the Company agrees to pay to the State of Maine the sum of \$300. (Please make checks payable to Treasurer, State of Maine.)

IN WITNESS WHEREOF, the parties have executed this Agreement of two pages.

JOSEPH LEMAR

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED

By: _____ Date: _____

Mark Randlett, Assistant Attorney General