

MAINE BOARD OF PESTICIDES CONTROL
POLICY CONCERNING
PRIVATE VERSUS COMMERCIAL APPLICATION
WHEN PROPERTY IS RENTED

Adopted February 21, 2003

The Board addressed situations where a farmer/applicator is growing crops on property owned by another person in order to clarify whether the person should be licensed as a private or commercial applicator. The members determined the farmer/applicator must provide evidence to the Board staff showing the existence of a written contract whereby the farmer/applicator retains control over that property and the use of the crops grown thereon in order for the Board staff to determine that the property is rented and constitutes a private application. In addition, retention of control over the use of the crops means that the harvest and disposition and/or sale of the crops is left to the farmer/applicator's sole discretion. Any agreement that the crops grown on the property will be sold to the landowner, or are otherwise grown for the benefit of the landowner, shall be prima facie evidence that the farmer/applicator is a contract grower and needs to be licensed as a commercial applicator.