An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Presented by Senator SAVIELLO of Franklin. (GOVERNOR'S BILL)
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1471-U, sub-§4, as repealed and replaced by PL 1989, c. 93, §1, is amended to read:

4. Intent. It is the intent of this section to provide information on municipal ordinances. This section shall not affect municipal authority to enact ordinances.

Sec. 2. 22 MRSA §1471-U, sub-§6 is enacted to read:

6. Ordinance applicability. A municipal ordinance specifically regulating the use of pesticides may not apply to:

A. A person licensed or certified under section 1471-D. A person licensed or certified under section 1471-D shall maintain accurate records on product use and applications to property, which must be available at any time for audit or inspection by the board; or

B. A private applicator applying a pesticide, subject to restrictions under a municipal ordinance, when that private applicator is producing an agricultural or horticultural commodity on property owned, leased or rented by the private applicator in accordance with board rules.

SUMMARY

This bill provides that municipal ordinances that regulate the use of pesticides do not apply to commercial applicators and spray contracting firms and to private applicators when the private applicators are producing agricultural or horticultural commodities.