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DIRECTOR

**BOARD OF PESTICIDES CONTROL**

**March 30, 2012**

**AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine**

**AGENDA**

**NOTE EARLIER MEETING TIME:**

**9:00 AM**

1. Introductions of Board and Staff
2. Consideration of Enforcement Action against Hemmingway Orchard of Hebron

In matters involving substantial threats to the environment or the public health, or in which there is dispute over material facts or law, the Board's enforcement protocol specifies that the matter be brought to the attention of the Board. This case involves an ongoing dispute over pesticide drift between an orchardist and two residential abutters. The staff and Assistant Attorney General Randlett agree that the available evidence indicates that violations of the Board's drift rule, Chapter 22, have occurred, but they have been unable to resolve the incidents through a negotiated consent agreement. Consequently, in keeping with the enforcement protocol, the staff is recommending that the matter be referred to the Office of the Attorney General.

Presentation By: Raymond Connors  
Manager of Compliance

Action Needed: Determine appropriate enforcement response

3. Final Adoption of Major Substantive Rule Amendments to Chapter 41

At its December 16, 2011, meeting, the Board provisionally adopted the major substantive amendments to Chapter 41. On January 31, 2012, the Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) held a public hearing on LD 1734, the resolve authorizing final adoption of the amendments, and a work session was held on February 7, 2012. Subsequently, the ACF reported the resolve out as ought-to-pass. The Legislature enacted the resolve and the Governor signed it into law on March 5, 2012. The Board will now decide whether to finally adopt the amendments.

Presentation By: Henry Jennings  
Director

Action Needed: Final Adoption of the Rule, Basis Statement, Rulemaking Statement of Impact on Small Business, and Response to Comments for Chapter 41

4. Other Old or New Business

- a. Letters to Representatives Dill & Timberlake—H. Jennings

5. Planning Session for the Board and Staff

Periodically, the Board and staff hold planning sessions to discuss priorities. A list of potential topics has been developed and topics will be discussed as time permits.

6. Schedule of Future Meetings

May 11, June 15, July 27, and September 7, 2012, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Adjustments and/or Additional Dates?

7. Adjourn

## NOTES

- The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org).
- Any person wishing to receive notices and agendas for meetings of the Board, Medical Advisory Committee, or Environmental Risk Advisory Committee must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.
- On November 16, 2007, the Board adopted the following policy for submission and distribution of comments and information when conducting routine business (product registration, variances, enforcement actions, etc.):
  - *For regular, non-rulemaking business*, the Board will accept pesticide-related letters, reports, and articles. Reports and articles must be from peer-reviewed journals. E-mail, hard copy, or fax should be sent to the attention of Paul Schlein, Public Education Specialist, at the Board's office. In order for the Board to receive this information in time for distribution and consideration at its next meeting, all communications must be received by 8:00 AM, three days prior to the Board meeting date (e.g., if the meeting is on a Friday, the deadline would be Tuesday at 8:00 AM). Any information received after the deadline will be held over for the next meeting.
- During rulemaking, when proposing new or amending old regulations, the Board is subject to the requirements of the APA (Administrative Procedures Act), and comments must be taken according to the rules established by the Legislature.