



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: Board of Pesticides Control
From: Megan Patterson
Subject: Improving Application Notification—Proposed Policy

July 14, 2020

At the February 28, 2020 meeting of the Board, staff was directed to follow up with Representative Pluecker on approaches to clearly identify the party responsible for notification. Based on feedback from this discussion and the public information gathering meeting on February 28, 2020, staff have identified numerous ways in which the notification process could be streamlined.

These approaches have been divided into two groups, those best addressed through policy or rule changes and those that may be accomplished through routine staff efforts. This document addresses two options that may be technically inconsistent with language in 01-026 CMR Chapter 28 Section 2. They are as follows:

1. Waive the registry fee for all individuals participating in the Maine Pesticide Notification Registry. Chapter 28.02(A)(1) requires persons requesting to be listed “pay all appropriate fees,” while chapter 28.02(G) gives the Board discretion to waive the fee where there’s an inability to pay or “where other extenuating circumstances exist which justify granting a waiver.” Given the possible ambiguities in this language, we believe the Board may issue an interim policy waiving the fee generally if it articulates the extenuating circumstances to justify that action. However, we recommend a rule change to implement the policy in the long term.
2. Make optional the inclusion of names for all landowners or lessees within 250 feet of the boundary of the listed registry residence. Currently, chapter 28.02(A)(1)(e) requires applicants to list the names and addresses of all such landowners on forms provided by the Board. Given that the names of property owners change when property is sold or transferred, we believe the name is less useful information than the property address. Again, this may be addressed in an interim policy with a subsequent rule change.

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1. Develop guidance documents with clear yet comprehensive explanations of:
 - a. identification of the party responsible for notification
 - b. methods for receiving notification
 - c. notification responsibilities for applicators
2. Produce public assistance resources such as:
 - a. door hangers for use by applicators sharing contact information and/or individuals seeking notification
 - b. fillable postcards for hand or mail delivery that either serve as a request for notification or provide applicator contact information
3. Develop a web hosted fillable form for notification registry participation.
4. Develop an e-mail-based registry participation renewal. This approach may require changes to registry fee payment requirements, as discussed in a separate memorandum.
5. Develop and deliver notification specific training for private and commercial applicators.

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