

§1471-B. Board of Pesticides Control

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004-D, subsection 3, within the Department of Agriculture, Conservation and Forestry. Except as provided in this chapter, the board must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Senate. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person with practical experience and knowledge regarding the agricultural use of chemicals; one person who has practical experience and knowledge regarding the use of chemicals in forest management; one person from the medical community; a scientist from the University of Maine System specializing in agronomy, entomology or plant pathology having practical experience and expertise in integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. The 2 members appointed to represent the public must have a demonstrated interest in environmental protection. A member appointed to represent the public may not have a financial interest in activities regulated by the board and may not be an individual who has been or is licensed, certified or given a permit in this State or any other state for activities regulated by the board. The term must be for 4 years, except that of the initial appointees, 2 serve 4-year terms, 2 serve 3-year terms, 2 serve 2-year terms and one serves a one-year term. Any vacancy must be filled by an appointment for the remainder of the unexpired term.

[PL 2021, c. 179, §1 (AMD).]

2. Organization of the board. The board shall elect a chair and any other officers it determines necessary from among the membership. The board shall meet at the call of the chair or at the request of any 3 members. Four members constitute a quorum and, except as otherwise provided in this subsection, any action requires the affirmative vote of the greater of either a majority of those present and voting or at least 2 members. Any action by the board requesting that the Attorney General pursue a court action against an alleged violator of any law or rule requires an affirmative vote by 3 members or a majority of those present and voting, whichever is greater. The chair and any other officers shall serve in those capacities for a period of one year following their elections.

[PL 1989, c. 841, §4 (AMD).]

3. Compensation of the board. Each public member shall be compensated according to the provisions of Title 5, chapter 379.

[PL 1983, c. 812, §120 (RPR).]

4. Director. The commissioner shall appoint a director, with the approval of the board. The director is the principal administrative, operational and executive employee of the board. The director shall attend and participate in all meetings of the board, but may not vote. The director, with the approval of the commissioner and the board, may hire any competent professional personnel and other staff the director considers necessary. All employees of the board are subject to Title 5, Part 2. The director may obtain office space, goods and services as required.

[RR 2021, c. 2, Pt. B, §88 (COR).]

5. Staff. The board must establish standards for the delegation of its authority to the director and staff. Any person aggrieved by a decision of the director and staff has a right to a review of the decision by the board. The Commissioner of Agriculture, Conservation and Forestry shall provide the board with administrative services of the department, including assistance in the preparation of the board's budget. The commissioner may require the board to reimburse the department for these services.

[PL 1989, c. 841, §5 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

6. Registration of pesticides.

[PL 1981, c. 112, §1 (RP).]

7. State contracts. Notwithstanding any other provisions of law, members of the board are eligible to contract with the State when the contracts are awarded in accordance with normal bidding procedures of the Department of Administrative and Financial Services. Members also are eligible to receive grants when grants are awarded in accordance with normal state procedures. A member may not vote on the award of a contract or grant for which that member has submitted a bid or proposal.
[PL 2007, c. 466, Pt. A, §40 (RPR).]

8. Meetings. The board shall periodically meet in various geographic regions of the State. When considering an enforcement action, the board shall attempt to meet in the geographic region where the alleged violation occurred.
[PL 1989, c. 841, §6 (NEW).]

SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 1975, c. 397, §2 (NEW). PL 1977, c. 696, §181 (AMD). PL 1979, c. 644, §3 (RPR). PL 1979, c. 731, §19 (AMD). PL 1981, c. 112, §1 (AMD). PL 1981, c. 470, §A66 (AMD). PL 1981, c. 632, §§1,2 (AMD). PL 1983, c. 309 (AMD). PL 1983, c. 812, §§119,120 (AMD). PL 1985, c. 779, §60 (AMD). PL 1985, c. 785, §A95 (AMD). PL 1987, c. 702, §2 (AMD). PL 1989, c. 503, §B83 (AMD). PL 1989, c. 841, §§4-6 (AMD). PL 1991, c. 376, §45 (AMD). PL 2007, c. 466, Pt. A, §40 (AMD). PL 2007, c. 466, Pt. B, §17 (AMD). PL 2011, c. 119, §1 (AMD). PL 2011, c. 119, §2 (AFF). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2019, c. 192, §1 (AMD). PL 2021, c. 179, §1 (AMD). RR 2021, c. 2, Pt. B, §88 (COR).

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