

## Maine Board of Pesticides Control Enforcement Protocol

The Board adopts the following enforcement protocol to be utilized in routine enforcement matters arising under the Board's statutes and regulations.<sup>1</sup>

1. Persons wishing to report potential violations should refer such matters, as soon and in as much detail as possible, to the Board's staff. Where such reports are submitted by telephone, the Board requests that confirmation be made in writing. As a general rule, where requested by the individual making the report, the Board shall keep the identity of that person confidential, except as the Attorney General may advise in a particular case that such information is subject to public disclosure under the Maine Freedom of Access Law.
2. As soon as practicable after receipt of a report of a potential violation, the Board's staff shall investigate. The precise method and extent of investigation shall be at the discretion of the staff, considering the potential severity of the violation and its consequences, the potential the violation may have for damage to the environment or human health, and other matters which may place demands upon staff resources at the time.
3. Following staff investigation, if the staff determines that a violation has occurred of sufficient consequence to warrant further action, the Board's staff may proceed as follows:
  - a. In matters not involving substantial threats to the environment or public health , the Board's staff may discuss terms of resolution with the Attorney General's office and then with the violator without first reporting the matter to the Board. This procedure may only be used in cases in which there is no dispute of material facts or law, and the violator freely admits the violation(s) of law and acknowledges a willingness to pay a fine and resolve the matter. The terms of any negotiated proposed resolution shall be subject to the Board's subsequent review and approval, as provided in section 6b.
  - b. In matters involving substantial threats to the environment or the public health or in which there is dispute over the material facts or law, the Board's staff shall bring the matter to the attention of the Board. The staff shall prepare a written report summarizing the details of the matter. Copies of the report shall be mailed to the alleged violator and any complainants so they may make comments. The report and any comments will then be distributed to the Board prior to their next available meeting. The staff will also notify the alleged violator and other involved parties about the date and location of the meeting at which the alleged violation will be considered by the Board.
4. At the Board meeting, the Board shall hear from its staff and, if requested, from the alleged violator(s) and/or their attorneys, as well as from other interested members of the public, to the extent reasonable under the circumstances and in a manner which the Board's chairman shall direct. Ordinarily, such a meeting will not be conducted as a formal adjudicatory hearing. Before making a decision regarding any action(s) which it may wish to take in response to an alleged violation, the Board may choose to go into executive session to discuss with its counsel the various enforcement options available to it and other related matters which are not subject to public disclosure under the Freedom of Access Law. However, all Board decisions shall be made on the public record and not in executive session.

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<sup>1</sup> In emergency or other unusual situations, the Board and/or its staff may depart from this protocol, in a manner consistent with State law, when necessary to the handling of particular enforcement actions.

5. Following receipt of the staff report and other information presented to it and completion of whatever further inquiry or deliberations the Board may wish to undertake, the Board shall make a decision regarding which course(s) of action, as described in Section 6, it deems appropriate in response to the alleged violation. Any such decision will ordinarily be based upon the Board's judgment as to whether a violation of its statutes or regulations appears to have occurred which is of sufficient consequence to warrant an enforcement action, but shall not require that the Board be satisfied to a legal certainty that the alleged violator is guilty of a particularly defined violation. In disputed matters, the ultimate decision as to whether a violation is factually and legally proven rests with the courts.
6. If the Board makes the determination that a violation appears to have occurred which warrants an enforcement action, the Board may choose among one or more of the following courses of action:
  - a. In matters involving substantial violations of law and/or matters resulting in substantial environmental degradation, the Board may refer the matter directly to the Attorney General for the initiation of enforcement proceedings deemed appropriate by the Attorney General. Also, with regard to more routine violations with respect to which the Board finds sufficient legal and/or factual dispute so that it is unlikely that an amicable administrative resolution can be reached, the Board may choose to refer the matter directly to the Attorney General.
  - b. On matters warranting enforcement action of a relatively routine nature, the Board may authorize and direct its staff to enter into negotiations with the alleged violator(s) with a view to arriving at an administrative consent agreement containing terms (including admissions, fines and/or other remedial actions) which are satisfactory to the Board, to the Attorney General and to the alleged violator(s). The Board will not ordinarily determine in the first instance the precise terms which should be required for settlement but may indicate to the staff its perception of the relative severity of the violation. In formulating a settlement proposal, the staff shall take into consideration all of the surrounding circumstances, including the relative severity of the violation, the violations record and other relevant history of the alleged violator(s), corrective actions volunteered by the alleged violator(s) and the potential impact upon the environment of the violation. The staff shall consult with the Attorney General's office before proposing terms of settlement to the alleged violator(s). Following successful negotiation of an administrative consent agreement with the alleged violator(s), the staff shall report back to the Board the terms of such agreement for the Board's review and, if it concurs, ratification. All administrative consent agreements shall become final only with the Board's and the Attorney General's approval.
  - c. In the event that an administrative consent agreement cannot be arrived at as provided in paragraph b., the staff shall report the matter back to the Board for further action by it. Such action may include referral to the Attorney General for appropriate action.
  - d. In addition, in appropriate cases, the Board may act to suspend the license of a certified applicator as provided in its statute, may act to refuse to renew the license of a certified applicator and/or may request that the Attorney General initiate proceedings in the Administrative Court to revoke or suspend the license of any such applicator. Where provided for by its statute, the Board shall give the licensee involved the opportunity for a hearing before the Board in connection with decisions by it to refuse to renew a license or to suspend such license.
7. Whereas the Board is establishing this protocol in order to clarify and facilitate its proceedings for the handling by it and its staff of enforcement matters, the Board recognizes that the Attorney General, as chief law enforcement officer of the State, may independently initiate or pursue enforcement matters as he deems in the best interests of the State and appropriate under the circumstances.

The Board has previously indicated an interest in determining the appropriate enforcement response in cases involving significant violations of pesticide laws and regulations. Historically staff have negotiated a consent agreement with the violator and then presented that proposed consent agreement at a Board meeting for the Board to approve or disapprove. Staff have identified this as a case involving significant violations of pesticide laws and regulations and will present this case to the Board for deliberation and a discussion of next steps.

**Subject:** Mosquito Squad of Southern Maine  
10 Snow Canning Road  
Scarborough, Maine 04074

**Date of Incident(s):** July 31, 2018 wrong property; 2018 various dates unlicensed/unsupervised commercial applicators; 2018, 2019, 2020, various dates incomplete commercial pesticide application records; June 17, 2020 insufficient notification to a registry member.

**Background Narrative:** The Board received a call that Mosquito Squad of Southern Maine (MSSM) made a pesticide application to the wrong property at 10 Wilson Road in Gorham. A follow up with the homeowner and MSSM confirmed the application was made on July 31, 2018 to the wrong property. The intended customer address was 5 Wilson Road. No applicator name was on the application record. The MSSM applicator said both houses and garages were similar to the description on the work order. The MSSM had no method in place to positively identify the correct customer property.

On September 10, 2018 the Board received a complaint that the MSSM was sending out unlicensed and unsupervised pesticide applicators to make custom pesticide applications. An inspector conducted a follow up inspection with MSSM and reviewed application records for 2018. The inspector confirmed that three MSSM pesticide applicators made a minimum of 170 unlicensed and unsupervised custom applications in 2018. Application records were incomplete, including applicator name.

On July 17, 2019 a Board inspector conducted a routine inspection with an MSSM applicator making a pesticide application in Gray. The pesticide application record for that job was missing the application method, size of area treated, site treated, application rate, and a record of sprayer calibration.

On June 23, 2020 a follow up inspection was done on an odor complaint. A review determined MSSM records were incomplete, including application method, applicator's license number, size of area treated, target pest, site or crop treated, and sky conditions.

On June 23, 2020 a Board inspector conducted a follow up inspection with the company in response to a complaint from a 2020 registry member who resides at 9 Ash Lane in York about lack of sufficient notification for an application made on June 17, 2020. MSSM's phone log documented that the Company called the registry member's telephone number at 11:39 AM. The

company made the application to a property listed as an abutter to the registry member on the 2020 Maine Pesticide Notification Registry from 11:49 AM to 11:54 AM.

## **Summary of Violation(s):**

CMR 01-026 Chapter 20 Section 7: Commercial applicators making outdoor treatments to residential properties must implement a system, based on Board approved methods, to positively identify the property of their customers. The Board shall adopt a policy listing approved methods of positive identification of the proper treatment site.

CMR 01-026 Chapter 20 Section 6(D)2: No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager, or legal occupant of that property.

22 M.R.S. § 1471-D (1) (A) and CMR 01-026 Chapter 31 Section 1(A) III: Any person making a pesticide application that is a custom application, as defined under 22 M.R.S. § 1471-C(5-A), must be a certified commercial applicator or under the direct supervision of a certified applicator in accordance with 22 M.R.S. § 1471-D (1) (A) and CMR 01-026 Chapter 31 Section 1(A) III.

## **CMR 01-026 Chapter 50, Section 1(A). Pesticide Application Records**

- I. Commercial agricultural producers and commercial applicators shall maintain pesticide application records consistent with paragraph II. below for a period of two years from the date of application. Such records shall be kept current by recording all the required information on the same day the application is performed. These records shall be maintained at the primary place of business and available for inspection by representatives of the Board at reasonable times, upon request.
- II. Pesticide application records shall include, at a minimum:
  - a. Site information including town and location, crop or site treated, target organism, customer and customer address (where applicable); and
    - i. for broadcast applications, size of treated area (when completed);
    - ii. for volumetric applications as described on the label, the volume treated;
    - iii. for non-broadcast applications (such as spot treatments, crack and crevice or stump treatments) a practical description of the scope or extent of the application (such as number of trees, stumps or rooms treated).
  - b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed

applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

- c. **Rate information.** For each distinct site, application rate information must be maintained as follows:
  - i. **Restricted Use Pesticides.** For restricted use pesticides, applicators shall record the total amount of pesticide applied (undiluted).
  - ii. **General Use Pesticides.** For general use pesticides, applicators shall record:
    - (1) rate information as described in (i.) above; or
    - (2) the mix ratio and the total mix applied; or
    - (3) the mix ratio and the mix per unit area applied.
- d. For outdoor applications, except those listed below, weather conditions including wind speed and direction, air temperature and sky conditions recorded such as sunny, partly cloudy, overcast, foggy or rainy. No weather condition records need be kept for outdoor applications involving:
  - i. pesticides placed in bait stations;
  - ii. pesticide-impregnated devices placed on animals, such as ear tags; or
  - iii. pesticides injected into trees or utility poles

CMR 01-026 Chapter 28, Section 2 (D) to notify individuals listed on the Maine Pesticide Notification Registry at least six hours in advance of any pesticide application made to abutting properties within 250 feet of a registrant's listed property.

**Rationale for requesting Board input on appropriate enforcement response:** The large number of unlicensed/unsupervised commercial pesticide applications, the scope of violations, unlicensed applicators, lack of a system to positively ID the treatment site, application to the wrong property, insufficient notification to a registry member, insufficient record keeping.

Attachments: 2

## Maine Pesticide Control Act of 1975 (Title 7, Sections 601–625)

### §616-A. Penalties

**1. Informal hearing.** When the staff of the board proposes that the board take action on a possible violation, the board shall notify the alleged violator before discussing the alleged violation. The alleged violator may choose to address the board and may also choose to be represented by legal counsel. This requirement does not constitute and is not subject to the same procedures as an adjudicatory hearing under the Maine Administrative Procedure Act.

[PL 2005, c. 620, §16 (AMD).]

**2. Civil violations.** The following violations are civil violations.

A. A person may not violate this subchapter or a rule adopted pursuant to this subchapter or [Title 22, chapter 258-A](#) or a rule adopted pursuant to [Title 22, chapter 258-A](#). Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 may be adjudged. [PL 2003, c. 452, Pt. B, §6 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A private applicator, as defined in [Title 22, section 1471-C](#), may not violate a rule regarding records maintained pursuant to [section 606, subsection 2, paragraph G](#). The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [PL 2011, c. 510, §1 (AMD).]

[PL 2011, c. 510, §1 (AMD).]

**2-A. Criminal violation.** A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section 1604, subsection 1 and sections 1704 and 1705, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under this subsection is separate from an action brought pursuant to subsection 2.

[PL 2019, c. 113, Pt. C, §1 (AMD).]

**3. Continuation.** Each day that the violation continues is considered a separate offense.

[PL 1989, c. 841, §3 (NEW).]

**4. Exceptions.**

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**5. Criminal violations.**

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**6. Other relief.** Notwithstanding [Title 22, section 1471-D](#), subsections 6 to 8 and in addition to other sanctions provided under this section, the court may order that a violator obtain recertification credits through board-approved meetings or courses as a condition of retaining, maintaining or renewing a certification or license required under Title 22, chapter 258-A.

[PL 1989, c. 841, §3 (NEW).]

**7. Considerations.** In setting a penalty under this section, the court shall consider, without limitation:

A. Prior violations by the same party; [PL 1989, c. 841, §3 (NEW).]

- B. The degree of harm to the public and the environment; [PL 1989, c. 841, §3 (NEW).]
- C. The degree of environmental damage that has not been abated or corrected; [PL 1989, c. 841, §3 (NEW).]
- D. The extent to which the violation continued following the board's notice to the violator; [PL 1989, c. 841, §3 (NEW).]
- E. The importance of deterring the same person or others from future violations; and [PL 1989, c. 841, §3 (NEW).]
- F. The cause and circumstances of the violation, including:
  - (1) The foreseeability of the violation;
  - (2) The standard of care exercised by the violator; and
  - (3) Whether or not the violator reported the incident to the board. [PL 1989, c. 841, §3 (NEW).]

[PL 1989, c. 841, §3 (NEW).]

**8. Injunction.** The board may bring an action to enjoin the violation or threatened violation of any provision of this subchapter or any rule made pursuant to this subchapter in a court of competent jurisdiction of the district in which the violation occurs or is about to occur.

[PL 1989, c. 841, §3 (NEW).]

**9. No damages from administrative action if probable cause exists.** A court may not allow the recovery of damages from administrative action taken, or for a stop sale, use or removal order, if the court finds that there was probable cause for the administrative action.

#### 10. Sunset.

[PL 1989, c. 841, §3 (NEW).]

### **§617. Exemptions**

**1. Exemptions from penalties.** The penalties provided for violations of [section 606, subsection 1](#), paragraphs A, B, C, D and E do not apply to:

- A. Any carrier while lawfully engaged in transporting a pesticide within this State if the carrier, upon request, permits the board to copy all records showing the transactions in and movement of the pesticides or devices; [PL 2005, c. 620, §17 (AMD).]
- B. Public officials of this State and the Federal Government while engaged in the performance of their official duties in administering state or federal pesticide laws or regulations; [PL 1975, c. 382, §3 (NEW).]
- C. The manufacturer, shipper or other distributor of a pesticide for experimental use only, provided that person holds or is covered by a valid experimental use permit issued by EPA, and provided further that the permit covers the conduct in question; or [PL 2005, c. 620, §17 (AMD).]
- D. Any person who ships a substance or mixture of substances being put through tests the purpose of which is only to determine the value of the substance or mixture for pesticide purposes or to determine its toxicity or other properties and from the use of which the user does not expect to receive any benefit in pest control. [PL 2005, c. 620, §17 (AMD).]

[PL 2005, c. 620, §17 (AMD).]

**2. Exemption from this subchapter; pesticides for export.** A pesticide or device may not be found to be in violation of this subchapter if the pesticide or device is intended solely for export to a foreign country and is prepared or packed according to the specifications or directions of the purchaser. If the pesticide or device is not so exported, all the provisions of this subchapter apply.

### **§619. Delegation of duties**

All authority vested in the board under this subchapter may, with like force and effort, be executed by employees of the board to whom the board from time to time delegates such authority.

**Title 22: HEALTH AND WELFARE****Subtitle 2: HEALTH****Part 3: PUBLIC HEALTH****Chapter 258-A: BOARD OF PESTICIDES CONTROL****§1471-D. Certification and licenses**

**1. Certification required; commercial applicators and spray contracting firms.** Certification is required for commercial applicators and spray contracting firms as follows.

A. No commercial applicator may use or supervise the use of any pesticide within the State without prior certification from the board, provided that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator; and [PL 1983, c. 819, Pt. A, §42 (NEW).]

B. No spray contracting firm may use or supervise the use of any pesticide within the State without prior certification from the board. [PL 1985, c. 122, §2 (AMD).]

[PL 1985, c. 122, §2 (AMD).]

**2. Certification required, private applicators.** No private applicator shall use or supervise the use of any limited or restricted use pesticide without prior certification from the board, provided, that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator.

[PL 1975, c. 397, §2 (NEW).]

**2-A. Certification required; government pesticide supervisor.**

[PL 2015, c. 58, §5 (RP).]

**2-B. Certification required; spotters and monitors.**

[PL 2015, c. 58, §6 (RP).]

**2-C. Exemptions or reduced licensing requirements for certain commercial or custom applications.** The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or nonpowered equipment if the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Notwithstanding Title 7, section 610, subsection 6 ([./7/title7sec610.html](#)), rules adopted pursuant to this section to provide exemptions from licensing or reduced licensing requirements are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A ([./5/title5ch375sec0.html](#)).

[PL 2007, c. 245, §3 (NEW).]

**2-D. Certification required; private applicator of general use pesticides for food production.** A private applicator of general use pesticides may not use or supervise the use of general use pesticides for food production without prior certification from the board, except that a competent person who is not certified may use such a

pesticide under the direct supervision of a certified applicator. Additional certification under this section is not required for a person certified as a commercial applicator or a private applicator under subsection 1 or 2, respectively.

[PL 2011, c. 169, §2 (NEW); PL 2011, c. 169, §6 (AFF).]

**3. License required, pesticide dealers.** No pesticide dealer shall:

A. Distribute any limited or restricted use pesticide without a distributor's license from the board; or [PL 1975, c. 397, §2 (NEW).]

B. Distribute limited or restricted use pesticides to any person who is not licensed or certified by the board.

[PL 1975, c. 397, §2 (NEW).]

[PL 1975, c. 397, §2 (NEW).]

**4. Application.** Application for licenses or certification shall be accompanied by such a reasonable fee as the board may establish by regulation. The applicant shall provide such information regarding the applicant's qualifications and proposed operations and other relevant matters as required by the board. Commercial applicators and spray contracting firms shall be required by the board to provide proof of financial responsibility in custom application as to such amounts as the board may, by regulation, designate; private applicators may also be required to provide such proof. All applicants to the board for certification or licensing shall be required to comply with such standards of competency as are established by the board concerning adequate knowledge of pesticide distribution or use and the related dangers and necessary precautions; provided that, in the case of applicants for commercial certification and pesticide dealers' licenses, such compliance shall be demonstrated by written examination in addition to such other criteria, including performance testing, as the board may establish.

[PL 1983, c. 819, Pt. A, §44 (AMD).]

**5. Issuance.** A license or certification may not be issued by the board unless the board determines that the standards for licensing and certification have been met as to those categories for which the applicant has applied and qualified. If a license or certification is not issued as applied for, the board shall provide written notice to the applicant of the reasons therefor. The license or certificate may be issued upon such terms and conditions as the board considers necessary for the protection of the public health, safety and welfare, and for enforcement and administration of this chapter and the rules adopted pursuant to this chapter.

[PL 2015, c. 58, §7 (AMD).]

**6. Renewal.** Licenses for commercial applicators, spray contracting firms, pesticide dealers and private applicators are valid for such period as prescribed by the board by rule. Application for renewal must be accompanied by such reasonable fee as the board may by rule require. The board may, by rule, require that such renewal application include reexamination or other procedures designed to assure a continuing level of competence to distribute, use or supervise the use of pesticides safely and properly.

If the board fails to renew a license upon application of the licensee or certificate holder, it shall afford the licensee or certificate holder an opportunity for a hearing in conformity with Title 5, chapter 375, subchapter 4 ([./5/title5ch375sec0.html](#)).

[PL 2015, c. 58, §8 (AMD).]

**7. Suspension.**

A. If the board determines that there may be grounds for revocation of a license or certificate, it may temporarily suspend said license or certificate pending inquiry and opportunity for hearing, provided that such

suspension shall not extend for a period longer than 45 days. [PL 1975, c. 397, §2 (NEW).]

B. The board shall notify the licensee or certificate holder of the temporary suspension, indicating the basis therefor and informing the licensee or certificate holder of the right to request a public hearing. [PL 1983, c. 819, Pt. A, §47 (AMD).]

C. If the licensee or certificate holder fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee or certificate holder requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee or certificate holder and to appropriate federal and state agencies. In addition, public notice shall be given by publication in a newspaper of general circulation in the State and such other publications as the board deems appropriate. [PL 1983, c. 819, Pt. A, §48 (AMD).]

D. This subsection is not governed by the provisions of Title 4, chapter 5 ([./4/title4ch5sec0.html](#)) or Title 5, chapter 375 ([./5/title5ch375sec0.html](#)). [PL 1999, c. 547, Pt. B, §39 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

[PL 1999, c. 547, Pt. B, §39 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

**8. Revocation.** The District Court may suspend or revoke the certification or license of a licensee or certificate holder upon a finding that the applicant:

A. Is no longer qualified; [PL 1975, c. 397, §2 (NEW).]

B. Has engaged in fraudulent business practices in the application or distribution of pesticides; [PL 1975, c. 397, §2 (NEW).]

C. Used or supervised the use of pesticides applied in a careless, negligent or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment; [PL 1975, c. 397, §2 (NEW).]

D. Has stored, transported or otherwise distributed pesticides in a careless, faulty or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety or welfare; [PL 1975, c. 397, §2 (NEW).]

E. Has violated the provisions of this chapter or the rules and regulations issued hereunder; [PL 1975, c. 397, §2 (NEW).]

F. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board; [PL 1975, c. 397, §2 (NEW).]

G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; [PL 1981, c. 470, Pt. A, §67 (AMD).]

H. Has been subject to a criminal conviction under ([./22/title22sec14.html](#))section 14 ([./22/title22sec14.html](#))(b) of the amended FIFRA or a final order imposing a civil penalty under ([./22/title22sec14.html](#))section 14 ([./22/title22sec14.html](#))(a) of the amended FIFRA; or [PL 1981, c. 470, Pt. A, §67 (AMD).]

I. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority. [PL 1977, c. 694, §341 (NEW).]

[PL 1983, c. 819, Pt. A, §49 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

**9. State, federal and local government employees.** Individuals who apply pesticides in connection with their duties as officials or employees of federal, state or local governments are subject to the provisions of this chapter concerning licenses and certification, but are exempt from the payment of any fee.

[PL 1975, c. 397, §2 (NEW).]

**10. Nonresident licenses.** The board may issue a license or certificate without examination to nonresidents who are licensed or certified by another state or the Federal Government substantially in accordance with the provisions of this chapter. Licenses or certificates issued pursuant to this subsection may be suspended or revoked in the same manner and on the same grounds as other licenses or certificates issued pursuant to this chapter. Licenses and certificates issued pursuant to this subsection may be suspended or revoked pursuant to subsection 8, paragraph I ([./22/title22sec1471-D.html](#)).

[PL 1977, c. 694, §342 (AMD).]

**11. Arborists.** In the case of persons licensed under Title 7, chapter 404 ([./7/title7ch404sec0.html](#)), subchapter II, the board may waive the application fee and may consider the arborist license as *prima facie* evidence of qualification to use pesticides in the categories of use provided by Title 7, chapter 404 ([./7/title7ch404sec0.html](#)).

[PL 1999, c. 84, §4 (AMD).]

#### SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1977, c. 20, §3 (AMD). PL 1977, c. 694, §§338-342 (AMD). PL 1981, c. 374, §§3-7 (AMD). PL 1981, c. 470, §A67 (AMD). PL 1983, c. 819, §§A42-A49 (AMD). PL 1985, c. 122, §2 (AMD). PL 1997, c. 454, §8 (AMD). PL 1999, c. 84, §4 (AMD). PL 1999, c. 547, §§B39,78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 245, §3 (AMD). PL 2011, c. 169, §2 (AMD). PL 2011, c. 169, §6 (AFF). PL 2015, c. 58, §§5-8 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.