

§1471-C. Definitions

As used in this chapter, the following words have the following meanings. [PL 1983, c. 819, Pt. A, §40 (NEW).]

1. Agricultural commodity. "Agricultural commodity" means any plant, or part thereof, or animal or animal product produced by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters or other comparable persons, primarily for sale, consumption, propagation or other use by humans or animals. [PL 1975, c. 397, §2 (NEW).]

2. Aircraft. "Aircraft" means any machine or device used or designed for navigation of, or flight in, the air. [PL 1975, c. 397, §2 (NEW).]

3. Board. "Board" means the Board of Pesticides Control as established in section 1471-B. [RR 2019, c. 1, Pt. A, §20 (COR).]

4. Certified applicator. "Certified applicator" means any person who is certified pursuant to section 1471-D and authorized to use or supervise the use of any pesticides. [PL 1975, c. 644, §1 (AMD).]

5. Commercial applicator. "Commercial applicator" means any person, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments. [PL 2015, c. 58, §2 (AMD).]

5-A. Custom application. "Custom application" means an application of a pesticide:

A. Under contract or for which compensation is received; [PL 2007, c. 245, §2 (NEW).]

B. To a property open to use by the public; or [PL 2007, c. 245, §2 (NEW).]

C. In a food establishment licensed under chapter 551 or an eating establishment licensed under chapter 562, except that "custom application" does not include a pesticides application at a licensed food or eating establishment when:

(1) The establishment is ancillary to the production of an agricultural commodity;

(2) The owner or an employee of that establishment is certified as a private applicator under section 1471-D, subsection 2; and

(3) The property is not open to the public. [PL 2007, c. 245, §2 (NEW).]

[PL 2007, c. 245, §2 (AMD).]

6. Defoliant. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission. [PL 1975, c. 397, §2 (NEW).]

7. Desiccant. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue. [PL 1975, c. 397, §2 (NEW).]

8. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State. [PL 1975, c. 397, §2 (NEW).]

9. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135 et seq., PL 92-516.

[PL 1975, c. 397, §2 (NEW).]

10. Fungi. "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants, of a lower order than mosses and liverworts, including but not limited to rusts, smuts, mildews and molds, except those on or in living humans or other animals or those on or in processed food, beverages or pharmaceuticals.

[RR 2021, c. 2, Pt. B, §89 (COR).]

11. Fungicide. "Fungicide" means any substance or mixture of substances intended for destroying or repelling any fungi or mitigating or preventing damage by any fungi.

[PL 1975, c. 397, §2 (NEW).]

11-A. Government pesticide supervisor.

[PL 2015, c. 58, §3 (RP).]

11-B. General use pesticide. "General use pesticide" means any pesticide that is required to be registered by the board pursuant to Title 7, chapter 103, subchapter 2-A and that is not a restricted use or limited use pesticide, as defined in this section. Pesticides restricted or limited by the board are listed by the board.

[PL 2017, c. 59, §1 (AMD).]

11-C. General use pesticide dealer. "General use pesticide dealer" means any person who distributes general use pesticides.

[PL 1987, c. 723, §2 (NEW).]

12. Ground equipment. "Ground equipment" means any machine or device, other than aircraft, for use on land or water, designed for, or adaptable to, use in applying pesticides as sprays, dusts, aerosols, fogs, or in other forms.

[PL 1975, c. 397, §2 (NEW).]

13. Herbicides. "Herbicides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed.

[PL 1975, c. 397, §2 (NEW).]

13-A. Household use pesticide product. "Household use pesticide product" means any general use pesticide product that contains no more than 3% active ingredients and that is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section 1471-W, subsection 5, petroleum solvents are not considered active ingredients.

[PL 2017, c. 475, Pt. A, §28 (AMD).]

14. Insect. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising 6-legged, usually winged forms, including but not limited to beetles, bugs, bees, flies and other allied classes of arthropods whose members are wingless and usually have more than 6 legs, including but not limited to mites, ticks, centipedes and wood lice.

[PL 1975, c. 397, §2 (NEW).]

15. Insecticide. "Insecticide" means any substance or mixture of substances intended for destroying or repelling any insect, or mitigating or preventing damage by any insects.

[PL 1975, c. 397, §2 (NEW).]

16. Limited use pesticide. "Limited use pesticide" means any pesticide or pesticide use classified for limited use by the board.

[PL 1975, c. 397, §2 (NEW).]

16-A. Major forest insect aerial spray application. "Major forest insect aerial spray application" means a project to apply pesticides against a forest insect pest by aerial application over an area containing at least 1,000 acres in the aggregate.
[PL 1983, c. 819, Pt. A, §41 (NEW).]

16-B. Minor forest insect aerial spray application. "Minor forest insect aerial spray application" means a project to apply pesticides against a forest insect pest by aerial application over an area containing less than 1,000 acres in the aggregate.
[PL 1983, c. 819, Pt. A, §41 (NEW).]

16-C. Monitor.
[PL 2015, c. 58, §4 (RP).]

17. Person. "Person" means any individual, partnership, association, fiduciary, corporation, governmental entity or any organized group of persons whether incorporated or not.
[PL 1975, c. 397, §2 (NEW).]

18. Pest. The term "pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism, except viruses, bacteria or other micro-organisms on or in living humans or other living animals, that the commissioner declares to be a pest.
[RR 2021, c. 2, Pt. B, §90 (COR).]

19. Pesticide. The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.
[PL 1975, c. 397, §2 (NEW).]

20. Pesticide dealer. "Pesticide dealer" means any person who distributes limited or restricted use pesticides.
[PL 1975, c. 397, §2 (NEW).]

21. Plant regulator. The term "plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments. Also, the term "plant regulator" shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and as are not for pest destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.
[PL 1975, c. 397, §2 (NEW).]

22. Private applicator. "Private applicator" means any person who uses or supervises the use of any pesticide that is classified for restricted or limited use for purposes of producing any agricultural commodity on property owned or rented by the person or the person's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
[RR 2021, c. 2, Pt. B, §91 (COR).]

22-A. Private applicator of general use pesticides. "Private applicator of general use pesticides" means a person who uses or supervises the use of general use pesticides for purposes of producing agricultural commodities on property owned or rented by that person or that person's employer when:

A. The agricultural commodities produced are plants or plant products intended for human consumption as food; and [PL 2011, c. 169, §1 (NEW).]

B. The person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual income from the sale of those commodities. [PL 2011, c. 169, §1 (NEW).]

[PL 2011, c. 169, §1 (NEW).]

23. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for use only by or under the direct supervision of a certified applicator by the Administrator of the United States Environmental Protection Agency or by the Commissioner of Agriculture, Conservation and Forestry.

[PL 1975, c. 397, §2 (NEW); PL 1979, c. 731, §19 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

23-A. Spotter.

[PL 2015, c. 58, §4 (RP).]

23-B. Spray contracting firm. "Spray contracting firm" means a person, as defined in this section, employed or contracted to conduct a public or private pesticide application. This term does not include the owner or lessee of land to be sprayed, employees of that landowner or lessee, the Bureau of Forestry, the employees of the Bureau of Forestry or individuals who are certified as commercial applicators.

[PL 1985, c. 122, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

23-C. Spray period.

[PL 2015, c. 58, §4 (RP).]

24. Under the direct supervision of a certified applicator. "Under the direct supervision of a certified applicator," unless otherwise prescribed by its labeling, means the act or process by which a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available, if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. In the case of an application made by a commercial applicator, the certified applicator must be physically present at the time and on the site of the application.

[PL 1987, c. 243, §3 (AMD).]

25. Weed. "Weed" means any plant which grows where not wanted.

[PL 1975, c. 397, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1975, c. 644, §§1-3 (AMD). PL 1977, c. 20, §§1, 2 (AMD). PL 1979, c. 731, §19 (AMD). PL 1981, c. 374, §§1, 2 (AMD). PL 1983, c. 819, Pt. A, §§40, 41 (AMD). PL 1985, c. 122, §1 (AMD). PL 1987, c. 243, §§1-3 (AMD). PL 1987, c. 723, §§2, 3 (AMD). PL 2007, c. 245, §§1, 2 (AMD). PL 2011, c. 169, §1 (AMD). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 58, §§2-4 (AMD). PL 2017, c. 59, §1 (AMD). PL 2017, c. 475, Pt. A, §28 (AMD). RR 2019, c. 1, Pt. A, §20 (COR). RR 2021, c. 2, Pt. B, §§89-91 (COR).

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