§1444. Control of browntail moths

1. Declaration of public health nuisance. The Director of the Bureau of Health may declare that an infestation of browntail moths is a public health nuisance. The declaration may be made on the director's own initiative or on petition to the director by municipal officers in a municipality affected by the infestation.
[PL 1997, c. 215, §1 (NEW).]

2. Aerial spraying. When the infestation causing a public health nuisance may be controlled by the aerial spraying of pesticides, the municipal officers in the affected municipality may conduct aerial spraying subject to rules adopted by the Board of Pesticides Control pursuant to Title 7, section 610 and Title 22, section 1471-M, except that:

A. The municipality is responsible for compliance with the notification and consent regulations; [PL 2015, c. 58, §1 (AMD).]

B. Landowners who are sent written notification by mail, sent to the landowner's last known address as contained in the municipal assessing records and who fail to respond to the notice within 30 days are deemed to have consented to aerial spraying; [PL 1997, c. 215, §1 (NEW).]

C. A landowner's written consent to spray remains valid unless the municipal officers are notified in writing at least 90 days before spraying is to occur that:

(1) The landowner withdraws consent; or

(2) Ownership of the property has been transferred and the notice contains the name and mailing address of the new owner; [PL 1997, c. 215, §1 (NEW).]

D. [PL 2015, c. 58, §1 (RP).]

E. Written notice to the landowners must identify the chemicals to be used in the aerial spraying; and [PL 1997, c. 215, §1 (NEW).]

F. Public notice of the date of the aerial spraying, subject to change because of weather conditions, must be given 24 hours prior to the spraying. [PL 1997, c. 215, §1 (NEW).]
[PL 2015, c. 58, §1 (AMD).]

3. Refusal to consent; cost of extermination. After the declaration of the Director of the Bureau of Health and a written declaration by the municipal officers of their intent to conduct aerial spraying, any landowner who refuses to consent to aerial spraying shall remove any browntail moth infestation from that landowner's property at that landowner's expense in a time and manner satisfactory to the local health officer. Regardless of whether the nonconsenting landowner's property has an infestation of moths, the nonconsenting landowner is also liable for the additional expenses actually incurred by neighboring consenting landowners or the municipality when neighboring consenting landowners or the municipality uses a method of removal other than aerial spraying due to lack of consent. In such cases, consenting landowners shall remove any browntail moth infestation from their own property at their own initial expense in a time and manner satisfactory to the local health officer.

All additional expenses incurred by a municipality must be repaid to the municipality within 30 days after written demand mailed to the nonconsenting landowner by the municipal officers. If the written demand is not met, a service charge may be assessed by the municipal officers against the land of the nonconsenting landowner for the amount of those expenses. The service charge must be collected in the same manner as municipal sewer service charges are collected pursuant to Title 30-A, section 3406.

All additional expenses incurred by neighboring consenting landowners may be collected by the municipality from nonconsenting landowners as a service charge described in this subsection, following certification in writing by the consenting landowners to the municipal officers of the additional costs.

The municipal officers shall make suitable provisions to reimburse the consenting landowners from the amounts collected.
[PL 1997, c. 215, §1 (NEW).]

4. Limits on pesticide applications.

[RR 2005, c. 2, §15 (COR); MRSA T. 22 §1444, sub-§4 (RP).]

5. Limits on pesticide applications.
[PL 2007, c. 50, §1 (NEW); MRSA T. 22 §1444, sub-§5 (RP).]

SECTION HISTORY

PL 1997, c. 215, §1 (NEW). RR 2005, c. 2, §15 (COR). PL 2005, c. 553, §1 (AMD). PL 2007, c. 50, §1 (AMD). PL 2015, c. 58, §1 (AMD).

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