



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

MAINE BOARD OF PESTICIDES CONTROL

POLICY ON THE SALE OF RESTRICTED/LIMITED USE PESTICIDES TO UNLICENSED CORPORATE FARM EMPLOYEES OR TO A PUBLIC OR PRIVATE LENDERS

At its July 26, 2002 meeting, the Maine Board of Pesticides Control voted to amend its policy covering the sale of limited and restricted use pesticides to unlicensed purchasers as described below:

Under Maine law, the purchaser of a RUP must be a licensed applicator. Furthermore the purchaser is deemed to be the person who pays for the product. Prior to May 2002, the Board provided a purchase verification form that could be used in the following three situations:

1. The owner is not licensed but has a licensed employee.
2. There is a corporate farm with a licensed employee.
3. There is a licensed owner but the bills are paid by governmental or private lenders.

At its May 3, 2002 meeting, the Board **voted to eliminate by the end of the year the first situation** where the owner is not licensed but has a licensed employee.

The members took this action after considering the use of the old verification form for dairy farmers who hired a commercial applicator to apply the restricted use corn herbicides. An excerpt from the meeting is produced below:

6. Review of the Board's Verification Form for the Purchase of Restricted Use Pesticides when the Farm Owner of Person Paying for the Pesticides is not Licensed

Recently, the Board has been asked to address a situation where dairy farmers in Central Maine are not licensed but hire commercial applicator firms to apply their restricted use pesticides. The growers would prefer that Agway bill them on a credit basis rather than having to pay the commercial applicator for the cost of the chemicals and service at the time of application. The staff believes the simplest solution to this problem is for the growers to obtain a private applicator license.

Presentation By: Gary D. Fish
Certification & Licensing Specialist

Action Needed: Discussion and determination if any change in the current policy is warranted.

- Batteese called the members attention to a revised verification form included in their packets. He explained that once the form was completed by all parties the dealer could deliver the

material to the licensed commercial applicator and bill the grower. The applicator would not be allowed to leave any unused material on the grower's farm but would have to return it to the dealer. Both Lauchlin Titus of Agway and Milton Sinclair of Paris Farmers Union supported the use of the new verification form and indicated it would only be needed for a small number of growers. Holyoke observed that obtaining a license should not be a burden and attendance at recertification meetings would be helpful to the growers over the long term.

Crane/Humphreys: Motion made and seconded to **authorize the use of the revised verification form for the remainder of 2002.**

In Favor: Unanimous

At the July 26, 2002 meeting, the staff provided the Board an update on this issue as follows:

- 9.c. Update on the Restricted Use Pesticide Purchase Verification Forms - R. Batteese
 - Batteese explained he had included a copy of the letters to remind the Board that the verification forms were for one year's use only. **There was consensus that this was true and the growers should get licensed before next year.**



**PRIVATE APPLICATOR
RESTRICTED/LIMITED USE
PESTICIDE PURCHASE
VERIFICATION**

Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028
207-287-2731

This form is only valid after approval by an authorized representative of the Board.

It should be used when the person who purchases (pays for) a restricted or limited use pesticide does not hold a current private applicator license and is not engaged in the daily operation of the farm. This form may be used when a corporate employee or a public or private lender pays the bills. It may not be used by a farm owner who is not licensed. All persons involved must understand that the licensed private applicator shown below must be a regular employee of the specified farm and must provide direct, on-site supervision of each and every application. This licensee is responsible for all aspects of pesticide use including purchase, transportation, storage, application and disposal and is accountable for any mishaps or violations. Furthermore, this person must assure any pesticides purchased for the specified farm are applied only on property owned or leased by that farm.

Effective Period: (Not to exceed one year) **From:** ____/____/____ **To:** ____/____/____

This document certifies that _____ is the licensed private applicator for _____ Farm with an address of _____ in _____, Maine (Zip) _____. Payment(s) for the purchase of limited and/or restricted use pesticides will be made by:

First Name	Last Name	MI	Farm Name
P.O. Box/Street	City	State	Zip

It is agreed that any change in the status of the above named licensed applicator or purchaser will be reported immediately to the Board of Pesticides Control and the Limited/Restricted Use pesticide Dealer providing this form. The licensed pesticide applicator and the purchaser are jointly and severally liable for any damages caused by the use of limited and/or restricted use pesticides.

Signature of Licensed Private Applicator _____

License# _____ *Expiration Date* ____/____/____

Signature of Farm Owner/Purchasing Agent _____

Signature of Licensed Dealer _____

Dealership _____ *Location* _____

The ENTIRE form should be mailed to the Board's office in Augusta which will forward it to an appropriate representative of the Board for signature. The Board will then send completed copies to the applicator and dealer.

Signature of Authorized BPC Representative _____

Date: _____