

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 356

S.P. 142

In Senate, February 3, 2025

An Act to Require Notification of Certain Outdoor Pesticide Applications

(EMERGENCY)

Received by the Secretary of the Senate on January 30, 2025. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

Cosponsored by Senator: GROHOSKI of Hancock, Representatives: BELL of Yarmouth, CIMINO of Bridgton, DOUDERA of Camden, EDER of Waterboro, MILLIKEN of Blue Hill.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Department of Agriculture, Conservation and Forestry, Board of
4 Pesticides Control establishes procedures and standards for informing interested members
5 of the public about outdoor pesticide applications in their vicinity; and

6 **Whereas,** the purpose of these procedures and standards is to safeguard the health and
7 welfare of the residents of this State; and

8 **Whereas,** this legislation must take effect before the expiration of the 90-day period
9 because this legislation amends those procedures and standards; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

15 **Sec. 1. 7 MRSA §604, sub-§25-B** is enacted to read:

16 **25-B. Pet.** "Pet" has the same meaning as in section 712, subsection 16.

17 **Sec. 2. 7 MRSA §606, sub-§2, ¶D,** as amended by PL 2005, c. 620, §5, is further
18 amended to read:

19 D. Handle, transport, store, display or distribute pesticides in such a manner as to
20 endanger human beings or their pets or their environment or to endanger food, feed or
21 any other products that may be transported, stored, displayed or distributed with such
22 pesticides;

23 **Sec. 3. 7 MRSA §606, sub-§2, ¶E,** as amended by PL 2005, c. 620, §5, is further
24 amended to read:

25 E. Dispose of, discard or store any pesticides or pesticide containers in such a manner
26 as may cause injury to humans, vegetation, crops, livestock or pets, wildlife or
27 beneficial insects or pollute any water supply or waterway;

28 **Sec. 4. 7 MRSA §606, sub-§4** is enacted to read:

29 **4. Unlawful use without proper notification.** A person may not use any pesticide
30 outdoors within 500 feet of a property owned by another person unless the person provides
31 written notification to the owner, lessee or other legal occupant of the property of the intent
32 to apply pesticides at least 7 days prior to the pesticide application. This subsection does
33 not apply to aerial applicators as defined by the board by rule. The department shall adopt
34 rules governing notification requirements. Rules adopted under this subsection are routine
35 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

36 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
37 takes effect when approved.

1 **SUMMARY**

2 This bill prohibits a person from using any pesticide outdoors within 500 feet of a
3 property owned by another person unless the person provides written notification to the
4 owner, lessee or other legal occupant of the property of the intent to apply pesticides at
5 least 7 days prior to the pesticide application. The bill provides that this prohibition does
6 not apply to aerial application of pesticides. The bill also explicitly prohibits handling,
7 transporting, storing, displaying or distributing pesticides in a manner that endangers pets
8 and explicitly prohibits disposing of, discarding or storing any pesticides or pesticide
9 containers in a manner that may cause injury to pets.