

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Date: 5/31/13

L.D. 33  
(Filing No. H-308)

**AGRICULTURE, CONSERVATION AND FORESTRY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 26, L.D. 33, "Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, Regarding Pesticide Applications and Public Notification in Schools'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control has submitted a major substantive rule regarding a portion of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools to the Legislature for review; and

**Whereas,** appropriately designed and constructed school grounds, particularly athletic playing fields, are integral to minimizing the use of synthetic pesticides on school grounds; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

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

**COMMITTEE AMENDMENT**

1           **Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 27:  
2 Standards for Pesticide Applications and Public Notification in Schools, a provisionally  
3 adopted major substantive rule of the Department of Agriculture, Conservation and  
4 Forestry, Board of Pesticides Control that has been submitted to the Legislature for  
5 review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is  
6 authorized; and be it further

7           **Sec. 2. Landscaping design. Resolved:** That the Commissioner of Education  
8 shall collaborate with the Department of Agriculture, Conservation and Forestry, Board  
9 of Pesticides Control to develop standards and guidelines related to school grounds  
10 construction that would minimize or avoid the necessity of the use of pesticides on school  
11 grounds for new construction. The Commissioner of Education and the director of the  
12 Board of Pesticides Control shall report on their recommendations for school ground  
13 construction standards and guidelines to the Joint Standing Committee on Education and  
14 Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and  
15 Forestry by March 15, 2014.

16           **Emergency clause.** In view of the emergency cited in the preamble, this  
17 legislation takes effect when approved.'

18   **SUMMARY**

19           This amendment changes the title of the resolve. The amendment provides for  
20 legislative review of portions of Chapter 27: Standards for Pesticide Applications and  
21 Public Notification in Schools, a major substantive rule of the Department of Agriculture,  
22 Conservation and Forestry, Board of Pesticides Control. The amendment also adds a  
23 section to the resolve that requires that, by March 15, 2014, the Commissioner of  
24 Education and the director of the Board of Pesticides Control report to the Joint Standing  
25 Committee on Education and Cultural Affairs and the Joint Standing Committee on  
26 Agriculture, Conservation and Forestry on developing standards and guidelines for  
27 landscaping design for school grounds that will minimize or eliminate the need to use  
28 pesticides on school grounds for any newly constructed school facilities.

29   **FISCAL NOTE REQUIRED**

30   **(See attached)**



# 126th MAINE LEGISLATURE

LD 33

LR 778(02)

**Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control**

**Fiscal Note for Bill as Amended by Committee Amendment  
Committee: Agriculture, Conservation and Forestry**

*"A" (H-308)*

**Fiscal Note Required: Yes**

---

## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Information provided by both the Department of Education and the Board of Pesticides Control indicates that the training for IPM Coordinators that is required under Chapter 27: Standards for Pesticide Applications and Public Notification in Schools will assist schools in meeting requirements that already exist on both the federal and state levels. Training for Integrated Pest Management (IPM) Coordinators will be provided by the Board of Pesticides Control at no cost to local school administrative units. Training will be provided either on-line or through seminars.

Additional costs to the Department of Education and the Board of Pesticides Control to develop the required standards and guidelines to minimize or avoid the necessity of the use of pesticides on school grounds for new construction can be absorbed within existing budgeted resources.