

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 961

H.P. 675

House of Representatives, March 12, 2013

### An Act To Ensure Safe School Grounds

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator MAZUREK of Knox and  
Representatives: DAUGHTRY of Brunswick, DILL of Old Town, HICKMAN of Winthrop,  
MacDONALD of Boothbay, MAKER of Calais, VOLK of Scarborough, WELSH of Rockport,  
Senator: GRATWICK of Penobscot.

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

2 **Sec. 1. 20-A MRSA §6305** is enacted to read:

3 **§6305. Use of pesticides in schools and on school grounds**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 United  
7 States Code, Section 135 et seq.

8 B. "Lawn care pesticide" means a pesticide registered by the United States  
9 Environmental Protection Agency and labeled pursuant to FIFRA for use on lawn,  
10 garden and ornamental sites or areas.

11 C. "Pesticide" has the same meaning as in 7 United States Code, Section 136(u).

12 D. "School" means a public elementary school, secondary school or kindergarten, or  
13 a nursery school that is part of a public elementary or secondary school, or a private  
14 elementary school, secondary school or kindergarten, or a nursery school that is part  
15 of a private elementary school or secondary school, approved under section 2901.

16 E. "School grounds" means land associated with a school building, including  
17 playgrounds, athletic fields, lawns, agricultural and recreational fields, walkways,  
18 fence lines and any other outdoor area used by students or staff, including property  
19 owned by a municipality or private entity that is regularly used for school activities.

20 **2. Pesticides applications in school buildings.** The application of pesticides in  
21 school buildings must comply with Title 7, chapter 103, subchapter 2-A, Title 22, chapter  
22 258-A and rules adopted by the Department of Agriculture, Conservation and Forestry,  
23 Board of Pesticides Control under those chapters.

24 **3. Allowed uses of pesticides on school grounds.** Pesticides, including lawn care  
25 pesticides, may be used on school grounds only:

26 A. To control, repel or eliminate stinging or biting insects when there is an urgent  
27 threat to the health or safety of a student or staff member;

28 B. In response to the presence of animals or insects, including mosquitoes and ticks,  
29 identified as a public health nuisance by the Department of Health and Human  
30 Services, Maine Center for Disease Control and Prevention or a local public health  
31 officer;

32 C. On an athletic field if there is a 14-day period before use of the field after  
33 application of the pesticides; or

34 D. On an agricultural field in accordance with the manufacturer's instructions for use  
35 of the pesticides for appropriate pest management.

36 **Sec. 2. Adoption of rules minimizing or avoiding pesticides use on school**  
37 **grounds.** No later than January 1, 2014, the Commissioner of Education shall adopt

1 rules to implement landscaping design that minimizes or avoids the necessity of the use  
2 of pesticides on school grounds for new construction of school facilities.

3

### **SUMMARY**

4 This bill restricts the use of pesticides on school grounds. It allows their use only in  
5 situations that pose a health threat to a student or staff member, when the presence of  
6 animals or insects have been identified as a public health nuisance, on athletic fields if  
7 there is a 14-day waiting period after application of the pesticides or on agricultural fields  
8 in accordance with the manufacturer's instructions. It requires the Commissioner of  
9 Education to adopt rules to implement landscaping design that minimizes or avoids the  
10 necessity of the use of pesticides on school grounds for new construction of school  
11 facilities.