

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 708

H.P. 484

House of Representatives, March 5, 2015

An Act To Limit the Use of Pesticides on School Grounds

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: BROOKS of Lewiston, DEVIN of Newcastle, FECTEAU of Biddeford,
HICKMAN of Winthrop, HUBBELL of Bar Harbor, MONAGHAN of Cape Elizabeth,
WELSH of Rockport, Senator: GERZOFKY of Cumberland.

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

2 **Sec. 1. 20-A MRSA §6306** is enacted to read:

3 **§6306. 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. "Lawn care pesticide" means a pesticide registered by the United States
7 Environmental Protection Agency and labeled pursuant to the Federal Insecticide,
8 Fungicide and Rodenticide Act, 7 United States Code, Section 135 et seq. for use on
9 lawn, garden and ornamental sites or areas.

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

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

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

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

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

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

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

31 C. On an agricultural field in accordance with the manufacturer's instructions for use
32 of the pesticides for appropriate pest management.

33 **Sec. 2. Adoption of rules minimizing or avoiding pesticides use on school**
34 **grounds.** No later than January 1, 2016, the Commissioner of Education shall adopt
35 rules to implement landscaping design that minimizes or avoids the necessity of the use
36 of pesticides on school grounds for new construction of school facilities.

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SUMMARY

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, in response to the presence of animals or insects identified as a public health nuisance or on agricultural fields in accordance with the manufacturer's instructions. It requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.