

MAINE STATE LEGISLATURE

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Date: 5/31/17

L.D. 174
(Filing No. H-374)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 130, L.D. 174, Bill, "An Act To Limit the Use of Pesticides on School Grounds"

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

'An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §1471-M, sub-§8 is enacted to read:

8. School pesticide data collection; public posting. The board by rule shall require each school to maintain and provide to the board by January 15th of each year a pest management activity log for the previous calendar year that includes a list of pesticide applications on school property. The log must include the date and location of each application, the name of the pest being managed, the trade name of the pesticide applied, the United States Environmental Protection Agency registration number if the pesticide is subject to registration, the name and license or certification number of the applicator and other pertinent information required by the board by rule to be included in the log.

The board shall post on its publicly accessible website all information provided by each school under this subsection. The board shall also post and maintain on its publicly accessible website a current list of all board inspections of pesticide use by each school and the results of those inspections.

For purposes of this subsection, "school" means any public or private school, as defined by the department by rule.'

SUMMARY

This amendment is the minority report of the committee and replaces the bill. The amendment establishes in law certain requirements of the Department of Agriculture,

COMMITTEE AMENDMENT

1 Conservation and Forestry, Board of Pesticides Control related to pest management on
2 school property, including the maintenance of records related to the application of
3 pesticides. It requires this information to be provided annually to the board and requires
4 the board to post that information on its publicly accessible website. It also requires that
5 the board post on its publicly accessible website a list of all board inspections of a
6 school's use of pesticides and the results of those inspections.

7 The fiscal note on the amendment identifies certain requirements in this amendment
8 as a potential state mandate. In order to be a mandate pursuant to the Constitution of
9 Maine, a provision must require a local unit of government to expand or modify its
10 activities so as to necessitate additional expenditures from local revenue. The committee
11 finds the provisions identified as a potential mandate do not require a local unit of
12 government to expand or modify its activities so as to necessitate additional expenditures
13 from local revenue.

14 The requirement in the amendment that a school submit a copy of its pest
15 management activity log, which is already required by rule to be maintained, does not
16 require an expansion or modification of activities so as to necessitate additional
17 expenditures from local revenue. The committee does not feel that the act of submitting
18 once per year a pest management activity log that is already required to be maintained
19 constitutes additional expenditures from local revenue.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**



128th MAINE LEGISLATURE

LD 174

LR 163(02)

An Act To Limit the Use of Pesticides on School Grounds

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-374)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires local school administrative units to submit a pest management activity log to the Board of Pesticide Control by January 15th of each year for the previous calendar year. Local school administrative units currently prepare a pest management activity log with the required data pursuant to rules established by the Board of Pesticide Control.	School	Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.