

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 174

H.P. 130

House of Representatives, January 24, 2017

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 that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Representatives: DEVIN of Newcastle, HICKMAN of Winthrop,
McCREIGHT of Harpswell, O'NEIL of Saco, RYKERSON of Kittery, TEPLER of Topsham,
Senators: CARSON of Cumberland, MILLETT of Cumberland.

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

2 **Sec. 1. 20-A MRSA §6307** is enacted to read:

3 **§6307. Use of pesticides in school buildings 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 136 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, lawns, agricultural and recreational fields, walkways, fence lines and
17 any other outdoor area used by students or staff, including property owned by a
18 municipality or private entity that is regularly used for school activities. "School
19 grounds" does not include athletic fields.

20 **2. Pesticide 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; or

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

34 Pesticides may be used on school athletic fields when determined necessary by the school
35 for the health and safety of the field and students. A school shall consider all options for
36 reducing pesticide use on athletic fields, including reduced application amounts and the
37 development of plans that phase out pesticide use or use alternatives to pesticides.

38 **4. Adoption of rules minimizing or avoiding pesticide use on school grounds.**
39 The commissioner shall adopt rules to implement landscaping design that minimizes or

1 avoids the necessity of the use of pesticides on school grounds for new construction of
2 school facilities. Rules adopted pursuant to this subsection are routine technical rules as
3 defined in Title 5, chapter 375, subchapter 2-A.

4 **Sec. 2. Rulemaking.** The Commissioner of Education shall adopt rules required
5 pursuant to the Maine Revised Statutes, Title 20-A, section 6307, subsection 4 no later
6 than January 1, 2018.

7 **SUMMARY**

8 This bill restricts the use of pesticides on school grounds. It allows their use only in
9 situations that pose a health threat to a student or staff member, in response to the
10 presence of animals or insects identified as a public health nuisance or on agricultural
11 fields in accordance with the manufacturer's instructions. It permits their use on athletic
12 fields when determined necessary by the school for the health and safety of the field and
13 students. It requires the Commissioner of Education to adopt rules to implement
14 landscaping design that minimizes or avoids the necessity of the use of pesticides on
15 school grounds for new construction of school facilities.