

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-855) (LD 1888 2020)

Date: 8/25/2020



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Date: (Filing No. H- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1354, L.D. 1888, Bill, “An Act To Protect Children from Toxic Chemicals”

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

**'Sec. 1. 7 MRSA §606, sub-§3** is enacted to read:

**3. Unlawful use of glyphosate; exception.** A person may not apply glyphosate within 75 feet of school grounds. This subsection does not apply to residential property or land used for commercial farming.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings:

- A. "Commercial farming" has the same meaning as in section 52, subsection 3;
- B. "Residential property" means real property located in this State that is used for residential dwelling purposes;
- C. "School" means any public, private or tribally funded elementary school as defined in Title 20-A, section 1, subsection 10, secondary school as defined in Title 20-A, section 1, subsection 32 or a nursery school that is part of an elementary or secondary school; and
- D. "School grounds" means:
  - (1) Land associated with a school building including playgrounds and athletic fields used by students or staff of a school. "School grounds" does not include land used for a school farm; and
  - (2) Any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly used for school activities by students and staff but not including land used primarily for nonschool activities, such as golf courses, farms and museums.

**COMMITTEE AMENDMENT**

1       **Sec. 2. Environmental risk advisory committee; glyphosate.** The  
2 Department of Agriculture, Conservation and Forestry, Board of Pesticides Control,  
3 within existing resources from Other Special Revenue Funds accounts, shall establish an  
4 environmental risk advisory committee to evaluate the environmental and human health  
5 risks associated with the use of glyphosate. The advisory committee shall submit an  
6 interim report no later than February 1, 2022 and a final report no later than February 1,  
7 2023, with findings and recommendations, including suggested legislation, to the joint  
8 standing committee of the Legislature having jurisdiction over agricultural matters. Each  
9 report must include an analysis of the use, on an annual basis, of all products with  
10 glyphosate listed as an active ingredient on the label by licensed applicators in the State.  
11 Following receipt and review of the final report, the joint standing committee of the  
12 Legislature having jurisdiction over agricultural matters may submit a bill concerning the  
13 subject matter of the report to the First Regular Session of the 131st Legislature.

14       **Sec. 3. Appropriations and allocations.** The following appropriations and  
15 allocations are made.

16       **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**  
17       **Pesticides Control - Board of 0287**

18       Initiative: Provides an allocation for one Toxicologist position, contracted staffing,  
19 environmental sampling and literature review.

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
21	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
22	Personal Services	\$0	\$30,000
23	All Other	\$0	\$73,540
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$103,540</u>
26			

27       Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
28 section number to read consecutively.

29       **SUMMARY**

30       The bill prohibited the application of nonselective herbicides; this amendment, which  
31 strikes and replaces the bill, bans only the use of glyphosate within 75 feet of school  
32 grounds. The prohibition in the amendment does not apply to residential property or land  
33 used for commercial farming.

34       The amendment also directs the Department of Agriculture, Conservation and  
35 Forestry, Board of Pesticides Control to establish an environmental risk advisory  
36 committee to assess the environmental and human health risks associated with the use of  
37 glyphosate. The advisory committee is required to submit an interim report no later than  
38 February 1, 2022 and a final report no later than February 1, 2023 with findings and  
39 recommendations to the joint standing committee of the Legislature having jurisdiction  
40 over agricultural matters. The joint standing committee of the Legislature having

COMMITTEE AMENDMENT “ ” to H.P. 1354, L.D. 1888

1 jurisdiction over agricultural matters has the authority to submit a bill relating to the  
2 subject matter of the report during the First Regular Session of the 131st Legislature.

3 This amendment also provides funding to the board necessary to carry out the  
4 requirements of this legislation.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**



# 129th MAINE LEGISLATURE

LD 1888

LR 2898(02)

## An Act To Protect Children from Toxic Chemicals

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$103,540	\$231,520	\$88,520

#### Fiscal Detail and Notes

This bill bans the use of glyphosate under certain conditions and directs the Board of Pesticides Control (BPC), within the Department of Agriculture, Conservation and Forestry, to establish an environmental risk advisory committee to assess the environmental and human risks associated with the use of glyphosate and complete a final report of their findings by February 1, 2023. The BPC has indicated that it will require additional staffing to complete these tasks. The bill includes additional allocations of \$103,540 to the BPC to allow expenditure of existing resources for one toxicologist, contracted staffing, environmental sampling and literature review. The impact of these new unfunded costs on other programs in the BPC cannot be determined at this time.