

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 519

H.P. 382

House of Representatives, February 19, 2021

An Act To Protect Children from Exposure to Toxic Chemicals

Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator MAXMIN of Lincoln and
Representatives: DOUDERA of Camden, DUNPHY of Old Town, GROHOSKI of Ellsworth,
LOOKNER of Portland, O'NEIL of Saco, OSHER of Orono, PLUECKER of Warren, Senator:
DAUGHTRY of Cumberland.

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

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

3 **3. Unlawful use.** A person may not apply herbicides as defined by Title 22, section
4 1471-C, subsection 13 that are synthetic, including, but not limited to, glyphosate, within
5 75 feet of school grounds. This subsection does not apply to residential property or land
6 used for commercial farming.

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

9 A. "Commercial farming" has the same meaning as in section 52, subsection 3;

10 B. "Residential property" means real property located in this State that is used for
11 residential dwelling purposes;

12 C. "School" means any public, private or tribally funded elementary school as defined
13 in Title 20-A, section 1, subsection 10, secondary school as defined in Title 20-A,
14 section 1, subsection 32 or a nursery school that is part of an elementary or secondary
15 school; and

16 D. "School grounds" means:

17 (1) Land associated with a school building including playgrounds and athletic
18 fields used by students or staff of a school. "School grounds" does not include land
19 used for a school farm; and

20 (2) Any other outdoor area used by students or staff including property owned by
21 a municipality or a private entity that is regularly used for school activities by
22 students and staff but not including land used primarily for nonschool activities,
23 such as golf courses, farms and museums.

24 **Sec. 2. Environmental risk advisory committee; glyphosate.** The Department
25 of Agriculture, Conservation and Forestry, Board of Pesticides Control, within existing
26 resources from Other Special Revenue Funds accounts, shall establish an environmental
27 risk advisory committee to evaluate the environmental and human health risks associated
28 with the use of glyphosate. The advisory committee shall submit an interim report no later
29 than February 1, 2024 and a final report no later than February 1, 2025, with findings and
30 recommendations, including suggested legislation, to the joint standing committee of the
31 Legislature having jurisdiction over agricultural matters. Each report must include an
32 analysis of the use, on an annual basis, of all products with glyphosate listed as an active
33 ingredient on the label by licensed applicators in the State. Following receipt and review
34 of the final report, the joint standing committee of the Legislature having jurisdiction over
35 agricultural matters may submit a bill concerning the subject matter of the report to the
36 First Regular Session of the 132nd Legislature.

37 **SUMMARY**

38 This bill bans the use of synthetic herbicides, including, but not limited to, glyphosate,
39 within 75 feet of school grounds. The prohibition does not apply to agricultural land or
40 residential property.

1 The bill also directs the Department of Agriculture, Conservation and Forestry, Board
2 of Pesticides Control to establish an environmental risk advisory committee to assess the
3 environmental and human health risks associated with the use of glyphosate. The advisory
4 committee is required to submit an interim report no later than February 1, 2024 and a final
5 report no later than February 1, 2025 with findings and recommendations to the joint
6 standing committee of the Legislature having jurisdiction over agricultural matters. The
7 joint standing committee of the Legislature having jurisdiction over agricultural matters
8 has the authority to submit a bill relating to the subject matter of the report during the First
9 Regular Session of the 132nd Legislature.