



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 that reads "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: GERZOFSKY 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.



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 817

S.P. 291

In Senate, March 10, 2015

An Act Regarding Aerial Pesticide Spray Projects

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative NOON of Sanford and
Senator: DILL of Penobscot, Representatives: BLACK of Wilton, EDGECOMB of Fort
Fairfield.

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

2 **Sec. 1. 22 MRSA §1444, sub-§2**, as enacted by PL 1997, c. 215, §1, is amended
3 to read:

4 **2. Aerial spraying.** When the infestation causing a public health nuisance may be
5 controlled by the aerial spraying of pesticides, the municipal officers in the affected
6 municipality may conduct aerial spraying subject to rules adopted by the Board of
7 Pesticides Control, pursuant to Title 7, section 610 and Title 22, section 1471-R,
8 ~~subsection 3, paragraph C 1471-M~~, except that:

9 A. The municipality ~~rather than the applicator~~ is responsible for compliance with the
10 notification and consent regulations;

11 B. Landowners who are sent written notification by mail, sent to the landowner's last
12 known address as contained in the municipal assessing records and who fail to
13 respond to the notice within 30 days are deemed to have consented to aerial spraying;

14 C. A landowner's written consent to spray remains valid unless the municipal
15 officers are notified in writing at least 90 days before spraying is to occur that:

16 (1) The landowner withdraws consent; or

17 (2) Ownership of the property has been transferred and the notice contains the
18 name and mailing address of the new owner;

19 ~~D. Any such notice sent or consent received in calendar year 1997 prior to the~~
20 ~~effective date of this chapter constitutes adequate notice or consent under the law;~~

21 E. Written notice to the landowners must identify the chemicals to be used in the
22 aerial spraying; and

23 F. Public notice of the date of the aerial spraying, subject to change because of
24 weather conditions, must be given 24 hours prior to the spraying.

25 **Sec. 2. 22 MRSA §1471-C, sub-§5**, as amended by PL 2007, c. 245, §1, is
26 further amended to read:

27 **5. Commercial applicator.** "Commercial applicator" means any person, ~~except a~~
28 ~~government pesticide supervisor~~, whether or not the person is a private applicator with
29 respect to some uses, who uses or supervises the use of any limited or restricted-use
30 pesticides on any property other than as provided by subsection 22, or who uses general-
31 use pesticides in custom application on such property. "Commercial applicator" also
32 includes individuals who apply any pesticides in connection with their duties as officials
33 or employees of federal, state or local governments.

34 **Sec. 3. 22 MRSA §1471-C, sub-§11-A**, as enacted by PL 1981, c. 374, §2, is
35 repealed.

36 **Sec. 4. 22 MRSA §1471-C, sub-§§16-C, 23-A and 23-C**, as enacted by PL
37 1983, c. 819, Pt. A, §41, are repealed.

1 **Sec. 5. 22 MRSA §1471-D, sub-§2-A**, as enacted by PL 1981, c. 374, §3, is
2 repealed.

3 **Sec. 6. 22 MRSA §1471-D, sub-§2-B**, as enacted by PL 1983, c. 819, Pt. A, §43,
4 is repealed.

5 **Sec. 7. 22 MRSA §1471-D, sub-§5**, as amended by PL 1983, c. 819, Pt. A, §45,
6 is further amended to read:

7 **5. Issuance.** ~~No~~ A license or certification may not be issued by the board, unless the
8 board determines that the standards for licensing and certification have been met as to
9 those categories for which the applicant has applied and qualified. ~~In the case of the~~
10 ~~spotter and monitor, the board shall set minimal proficiency requirements with the~~
11 ~~understanding that the board may choose to change these standards from time to time.~~
12 ~~The enforcement personnel of the Board of Pesticides Control shall be certified to meet at~~
13 ~~least the minimal proficiency requirements required of spotters and monitors.~~ If a license
14 or certification is not issued as applied for, the board shall provide written notice to the
15 applicant of the reasons therefor. The license or certificate may be issued upon such
16 terms and conditions as the board ~~deems~~ considers necessary for the protection of the
17 public health, safety and welfare, and for enforcement and administration of this chapter
18 and the rules ~~promulgated~~ adopted pursuant to this chapter.

19 **Sec. 8. 22 MRSA §1471-D, sub-§6**, as amended by PL 1997, c. 454, §8, is
20 further amended to read:

21 **6. Renewal.** Licenses for commercial applicators, ~~government pesticide supervisors,~~
22 ~~spotters, monitors,~~ spray contracting firms, pesticide dealers and private applicators are
23 valid for such period as prescribed by the board by rule. Application for renewal must be
24 accompanied by such reasonable fee as the board may by rule require. The board may, by
25 rule, require that such renewal application include reexamination or other procedures
26 designed to assure a continuing level of competence to distribute, use or supervise the use
27 of pesticides safely and properly.

28 If the board fails to renew a license upon application of the licensee or certificate holder,
29 it shall afford the licensee or certificate holder an opportunity for a hearing in conformity
30 with Title 5, chapter 375, subchapter ~~IV~~ 4.

31 **Sec. 9. 22 MRSA §1471-M, sub-§1, ¶A**, as amended by PL 1981, c. 374, §8, is
32 further amended to read:

33 A. Establish categories, and where applicable subcategories, of commercial pesticide
34 applicators ~~and government pesticide supervisors~~ depending upon the nature and
35 extent of the pesticide use, the type of pesticide equipment, the degree of knowledge
36 or skill required in their application and such other factors as the board ~~deems~~
37 considers relevant, ~~provided that as long as~~ such categories ~~shall be~~ are consistent
38 with, but not limited to, the categories established by the United States
39 Environmental Protection Agency;

40 **Sec. 10. 22 MRSA §1471-M, sub-§1, ¶E**, as amended by PL 1983, c. 819, Pt. A,
41 §52, is further amended to read:

1 E. Establish guidelines and requirements for reporting of information by commercial
2 applicators, pesticide dealers, and spray contracting firms ~~and monitors~~ to the board;
3 and

4 **Sec. 11. 22 MRSA §1471-M, sub-§1, ¶F**, as enacted by PL 1981, c. 374, §9, is
5 repealed.

6 **Sec. 12. 22 MRSA §1471-M, sub-§1, ¶G**, as enacted by PL 1983, c. 819, Pt. A,
7 §53, is repealed.

8 **Sec. 13. 22 MRSA §1471-R**, as enacted by PL 1983, c. 819, Pt. A, §54 and
9 amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is repealed.

10 **Sec. 14. 22 MRSA §§1471-S and 1471-T**, as enacted by PL 1983, c. 819, Pt. A,
11 §54, are repealed.

12 **SUMMARY**

13 This bill repeals notification and reporting provisions for forest insect aerial pesticide
14 spray projects. It eliminates provisions related to government pesticide supervisors,
15 spotters and monitors, including the certification, licensing and associated reporting
16 requirements. Other provisions governing notification and reporting requirements for
17 outdoor pesticide applications are contained in the Department of Agriculture,
18 Conservation and Forestry, Board of Pesticides Control rules.



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1098

H.P. 758

House of Representatives, March 25, 2015

An Act To Protect Children from Exposure to Pesticides

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

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

ROBERT B. HUNT
Clerk

Presented by Representative CHIPMAN of Portland.

Cosponsored by Representatives: BLACK of Wilton, CHAPMAN of Brooksville, DUNPHY of Old Town, HICKMAN of Winthrop, MAREAN of Hollis, McELWEE of Caribou, NOON of Sanford, Senator: SAVIELLO of Franklin.



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1099

H.P. 759

House of Representatives, March 25, 2015

**An Act To Establish a Fund for the Operations and Outreach
Activities of the University of Maine Cooperative Extension Animal
and Plant Disease and Insect Control Laboratory**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative BLACK of Wilton.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: DUCHESNE of Hudson, HANLEY of Pittston, LUCHINI of Ellsworth,
MAREAN of Hollis, SKOLFIELD of Weld, Senators: ALFOND of Cumberland, CUSHING
of Penobscot.

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

2 **Sec. 1. 7 MRSA c. 417** is enacted to read:

3 **CHAPTER 417**

4 **ANIMAL AND PLANT DISEASE AND INSECT CONTROL FUND**

5 **§2431. Fund established**

6 The Animal and Plant Disease and Insect Control Fund, referred to in this chapter as
7 "the fund," is established. The fund is administered by the University of Maine
8 Cooperative Extension and consists of funds received from Title 36, chapter 723, any
9 appropriation or allocation from the Legislature and contributions from private and public
10 sources. The fund, to be accounted within the University of Maine Cooperative
11 Extension, must be held separate and apart from all other money, funds and accounts.
12 Eligible investment earnings credited to the assets of the fund become part of the assets of
13 the fund. Any balance remaining in the fund at the end of a fiscal year must be disbursed
14 to the University of Maine Cooperative Extension.

15 **§2432. Expenditures from fund; distribution**

16 Funds in the fund, after reimbursement for fund administration costs, must be
17 distributed by the University of Maine Cooperative Extension as follows:

18 **1. Pesticide container fee reimbursement.** Reimbursement annually to Maine
19 Revenue Services to pay for administrative costs from collection of the pesticide
20 container fee under Title 36, section 4911, subsection 3;

21 **2. Board of Pesticides Control reimbursement.** Reimbursement annually to the
22 Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3, to pay
23 for costs under Title 36, section 4911, subsection 5;

24 **3. Pest management education.** To the University of Maine Cooperative Extension
25 for outreach and education initiatives on pest management and pesticide safety, including
26 community integrated pest management and medical and veterinary pest management,
27 focusing on health-related issues caused by ticks and mosquitoes, and pesticide
28 application and use, focusing on pollinator health and safety; and

29 **4. Laboratory operations.** To the University of Maine Cooperative Extension for
30 costs of its animal and plant disease and insect control laboratory, including testing ticks
31 provided by the public for pathogenic organisms and general laboratory operations
32 involving pesticide management and insect control.

33 **Sec. 2. 36 MRSA c. 723** is enacted to read:

34 **CHAPTER 723**

35 **PESTICIDE CONTAINER FEE**



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1105

H.P. 766

House of Representatives, March 26, 2015

An Act To Protect Populations of Bees and Other Pollinators

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 McCABE of Skowhegan.
Cosponsored by Representatives: HARLOW of Portland, HICKMAN of Winthrop, SAUCIER of Presque Isle.

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

2 **Sec. 1. 7 MRSA c. 417** is enacted to read:

3 **CHAPTER 417**

4 **LABELING AND ADVERTISING OF PLANTS**

5 **§2441. Pollinator protection**

6 **1. Definition.** As used in this section, "insecticide lethal to pollinators" means a
7 product that has a detectable level of systemic insecticide that:

8 A. Has a pollinator protection box on the label; or

9 B. Has a precautionary statement concerning pollinators, bees or honeybees in the
10 environmental hazards section of the insecticide product label.

11 "Insecticide lethal to pollinators" includes, but is not limited to, the neonicotinoid class of
12 insecticides that affect the central nervous system of pollinators and may cause pollinator
13 paralysis or death.

14 **2. Prohibition.** A person may not label or advertise an annual plant, bedding plant
15 or other plant, plant material or nursery stock as beneficial to pollinators if the annual
16 plant, bedding plant or other plant, plant material or nursery stock has been treated with
17 an insecticide lethal to pollinators.

18 **SUMMARY**

19 This bill prohibits labeling or advertising an annual plant, bedding plant or other
20 plant, plant material or nursery stock as beneficial to pollinators if the plant or material
21 has been treated with an insecticide absorbed by a plant that makes the plant lethal to
22 pollinators.



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1106

H.P. 767

House of Representatives, March 26, 2015

An Act To Compensate Beekeepers for Hive Losses

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 McCABE of Skowhegan.

Cosponsored by Representatives: DUNPHY of Old Town, HARLOW of Portland, HICKMAN of Winthrop, McELWEE of Caribou.

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

2 **Sec. 1. 7 MRSA Pt. 6-A, c. 519** is enacted to read:

3 **CHAPTER 519**

4 **DEFINITIONS**

5 **§2691. Definitions**

6 As used in this Part, unless the context otherwise indicates, the following terms have
7 the following meanings.

8 **1. Apiary.** "Apiary" means a place where a collection of one or more hives or
9 colonies of honeybees or the nuclei of honeybees are kept.

10 **2. Colony.** "Colony" means the aggregate of worker honeybees, drones, the queen,
11 and developing young honeybees living in a hive or other dwelling.

12 **3. Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep or any
13 other receptacle or container, natural or artificial, or any part of one, that is used to house
14 honeybees.

15 **4. Honeybee.** "Honeybee" means any stage of the common honeybee, *Apis*
16 *mellifera*.

17 **5. Honeybee owner.** "Honeybee owner" means a person who owns an apiary.

18 **Sec. 2. 7 MRSA §2871**, as enacted by PL 1985, c. 572, is amended to read:

19 **§2871. Rules**

20 The commissioner shall adopt rules to implement and enforce this Part in accordance
21 with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~. Rules adopted under
22 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **Sec. 3. 7 MRSA c. 533** is enacted to read:

24 **CHAPTER 533**

25 **COMPENSATION FOR HONEYBEES KILLED BY PESTICIDES**

26 **§2891. Compensation for honeybees killed by pesticides**

27 A person may be compensated for an acute pesticide poisoning resulting in the death
28 of honeybees or loss of honeybee colonies owned by the person in accordance with this
29 section.

30 **1. Compensation.** If the department determines that honeybee death or loss of a
31 honeybee colony was caused by an acute pesticide poisoning and the pesticide applicator:

1 identified or the pesticide applicator applied the pesticide product in a manner consistent
2 with the pesticide product's label, the Department of Agriculture, Conservation and
3 Forestry may compensate the honeybee owner for the fair market value of the honeybees
4 or honeybee colony. If the pesticide applicator can be identified and the applicator
5 applied the pesticide product in a manner inconsistent with the product's label, the
6 department may collect a penalty from the pesticide applicator sufficient to compensate
7 the honeybee owner for the fair market value of the honeybees or honeybee colony and
8 shall award the money to the honeybee owner. The bill provides that fair market value is
9 determined by the department upon recommendation by academic experts and honeybee
10 owners.