

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Safe School Grounds

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

Sec. 1. 20-A MRSA §6305 is enacted to read:

§ 6305. Use of pesticides in schools and on school grounds

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 United States Code, Section 135 et seq.

B. "Lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to FIFRA for use on lawn, garden and ornamental sites or areas.

C. "Pesticide" has the same meaning as in 7 United States Code, Section 136(u).

D. "School" means a public elementary school, secondary school or kindergarten, or a nursery school that is part of a public elementary or secondary school, or a private elementary school, secondary school or kindergarten, or a nursery school that is part of a private elementary school or secondary school, approved under section 2901.

E. "School grounds" means land associated with a school building, including playgrounds, athletic fields, lawns, agricultural and recreational fields, walkways, fence lines and any other outdoor area used by students or staff, including property owned by a municipality or private entity that is regularly used for school activities.

2. Pesticides applications in school buildings. The application of pesticides in school buildings must comply with Title 7, chapter 103, subchapter 2-A, Title 22, chapter 258-A and rules adopted by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control under those chapters.

3. Allowed uses of pesticides on school grounds. Pesticides, including lawn care pesticides, may be used on school grounds only:

A. To control, repel or eliminate stinging or biting insects when there is an urgent threat to the health or safety of a student or staff member;

B. In response to the presence of animals or insects, including mosquitoes and ticks, identified as a public health nuisance by the Department of Health and Human Services, Maine Center for Disease Control and Prevention or a local public health officer;

C. On an athletic field if there is a 14-day period before use of the field after application of the pesticides; or

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

Sec. 2. Adoption of rules minimizing or avoiding pesticides use on school grounds.

No later than January 1, 2014, the Commissioner of Education shall 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.

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, when the presence of animals or insects have been identified as a public health nuisance, on athletic fields if there is a 14-day waiting period after application of the pesticides 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.