



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 908

---

H.P. 672

House of Representatives, February 19, 2019

**An Act To Require Schools To Submit Pest Management Activity  
Logs and Inspection Results to the Board of Pesticides Control for  
the Purpose of Providing Information to the Public**

---

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: BEEBE-CENTER of Rockland, BERRY of Bowdoinham, DUNPHY of Old  
Town, HICKMAN of Winthrop, McCREIGHT of Harpswell, O'NEIL of Saco, TEPLER of  
Topsham, TIPPING of Orono.

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

2 **Sec. 1. 22 MRSA §1471-CC** is enacted to read:

3 **§1471-CC. School pesticide data collection; public posting**

4 A school shall maintain and provide to the board by January 15th of each year a pest  
5 management activity log for the previous calendar year that includes a list of pesticide  
6 applications on school property. The log must include the date and location of each  
7 application, the species of pest being managed, the trade name of the pesticide applied,  
8 the United States Environmental Protection Agency registration number if the pesticide is  
9 subject to registration, the name and license or certification number of the applicator and  
10 other pertinent information required by the board by rule to be included in the log.

11 The board shall post on its publicly accessible website all information provided by  
12 each school under this section. The board shall also post and maintain on its publicly  
13 accessible website a current list of all board inspections of pesticide use by each school  
14 and the results of those inspections.

15 For purposes of this section, "school" means a public, private or tribally funded  
16 kindergarten, elementary school, secondary school or nursery school that is part of an  
17 elementary or secondary school.

18 **SUMMARY**

19 This bill establishes in law certain requirements of the Department of Agriculture,  
20 Conservation and Forestry, Board of Pesticides Control related to pest management on  
21 school property. It requires a school to maintain a pest management activity log related  
22 to the application of pesticides. It requires this information to be provided annually to the  
23 board and requires the board to post the information on its publicly accessible website. It  
24 also requires that the board post on its publicly accessible website a list of all board  
25 inspections of a school's use of pesticides and the results of those inspections.



# 129th MAINE LEGISLATURE

LD 908

LR 1854(01)

## An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public

### Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Larsen-Daughtry of Brunswick

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

## Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded

### State Mandates

#### Required Activity

Requires local school administrative units to submit a pest management activity log to the Board of Pesticide Control by January 15th of each year for the previous calendar year. Local school administrative units currently prepare a pest management activity log with the required data pursuant to rules established by the Board of Pesticide Control.

#### Unit Affected

School

#### Local Cost

Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

### Fiscal Detail and Notes

Any additional cost the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control as a result of changes to rules related to their record keeping of pest management activity on school properties are anticipated to be minor and can be absorbed within existing budgeted resources.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Date: (Filing No. H- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 672, L.D. 908, Bill, “An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public”

Amend the bill by incorporating the attached fiscal note.

**SUMMARY**

This amendment incorporates a fiscal note.

The fiscal note on the amendment, which is a fiscal note only amendment, identifies certain requirements in the bill as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the bill that a local school administrative unit submit a pest management activity log to the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by January 15th of each year for the previous calendar year does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. Local school administrative units currently prepare pest management activity logs with the required data pursuant to rules established by the Board of Pesticides Control. The committee finds that the act of submitting a pest management activity log that is already required to be maintained does not necessitate additional expenditures from local revenue.

**COMMITTEE AMENDMENT**



# 129th MAINE LEGISLATURE

LD 908

LR 1854(02)

## An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

##### Required Activity

Requires local school administrative units to submit a pest management activity log to the Board of Pesticide Control by January 15th of each year for the previous calendar year. Local school administrative units currently prepare a pest management activity log with the required data pursuant to rules established by the Board of Pesticide Control.

##### Unit Affected

School

##### Local Cost

Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

#### Fiscal Detail and Notes

Any additional cost the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control as a result of changes to rules related to their record keeping of pest management activity on school properties are anticipated to be minor and can be absorbed within existing budgeted resources.