

PROPOSED CHANGES TO DEFINITION OF SENSITIVE AREAS – CHAPTER 10

- BBB. "Sensitive area" means any of the following, except where the area involved is the intended target of the pesticide application:
- ~~1. Residential buildings, together with any land which is part of the same property and is within 100 feet of such buildings;~~
 - ~~2. School buildings, together with any land which is part of the same property and is within 100 feet of such buildings, and also together with any playgrounds, athletic fields or other such facilities designed for use by persons in the vicinity of school buildings;~~
 - ~~3. Commercial or other buildings where human use occurs (including without limitation places of business, places of worship, and other commercial and institutional buildings), together with any land which is part of the same property and is within 100 feet of such buildings;~~
 - ~~4. Developed recreational areas open to public accommodation, including developed public or commercial campgrounds, developed picnic areas, marked roadside rest areas, marked publicly owned or maintained hiking trails, developed park and recreation facilities, playgrounds, playing fields and other areas developed for organized sports or recreation;~~
 15. Apiaries the location of which is registered with the Department of Agriculture, Food and Rural Resources pursuant to 7 M.R.S.A. §2701;
 26. Critical areas designated by the Board pursuant to 22 M.R.S.A. §1471-M(2);
 37. Public wells, drinking water springs used by the public, and public water supply intake points, provided the location of the same is known or should reasonably be known to the pesticide applicator;
 48. Private sources of drinking water, where the owner or legal user thereof has given prior notice of the location of such source to the landowner or lessee of the area which will be subject to a pesticide application;
 59. Water bodies, including streams, brooks, rivers, ponds, lakes, estuaries and marine waters, provided that any such water body contains water at the time of the pesticide application and is known to the spray applicator or is reasonably detectable from visual observation, reasonably available maps or reasonable inquiry. This term shall not include:(a) in the case of forest aerial spray programs, streams and brooks that are neither shown on reasonably available maps nor visible from an aircraft operating at 1000 feet in elevation above ground level; and (b) waters that are confined and retained completely upon the property of the person conducting or contracting for spray services, and that do not drain into or connect with any other water body;
 640. Wetlands of Special Significance.

744. Cleared areas where livestock are contained or pastured, cultivated land, cropland or gardens.
8. “Sensitive Areas Likely to Be Occupied” are areas where humans are likely to be present and include the following:
- i. Residential buildings, together with any associated maintained areas likely to be occupied by humans, such as lawns, gardens, recreational areas and livestock management and housing areas;
 - ii. School buildings, together with any associated maintained areas in the vicinity of the school buildings that are areas likely to be occupied by humans, such as playgrounds, athletic fields or courts, or other such facilities;
 - iii. Commercial, institutional, or other buildings likely to be occupied by humans, including places of business or worship, together with any associated maintained areas such as lawns, gardens, parking and recreational areas;
 - iv. Maintained recreational areas likely to be occupied by humans including campgrounds, picnic areas, marked roadside rest areas, marked hiking trails, park and recreation facilities, athletic fields, and other areas for organized sports or recreation.
 - v. Public roads and other areas where there is evidence or a reasonable likelihood that people may be present when spraying will occur.