

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "1" to S.P. 678, L.D. 2095, Bill,  
"AN ACT to Facilitate the Operation of the Spruce Budworm  
Suppression Act."

Amend the Bill in section 2 in that part designated  
"§1013." by striking out all of the first sentence and inserting  
in its place the following:

'There is established a Spruce Fir Forest Protection  
District.'

Further amend the Bill by inserting after section 2 the  
following:

'Sec. 2-A. 12 MRSA §1016, as enacted by PL 1975, c. 764,  
§3, is repealed and the following enacted in its place:  
§1016. Designated areas

1. High hazard designation. The State Entomologist shall,  
not later than October 15th of each year, designate the high  
hazard areas of the State which in his judgment contain trees  
in immediate danger of significant growth loss and mortality  
from spruce budworm infestations. The designations made by the  
State Entomologist shall be on the basis of data available to the  
Bureau of Forestry including, but not limited to, egg mass counts,  
evidence of defoliation, tree vigor, photography and similar  
information. The State Entomologist shall annually prepare maps  
showing the designated high hazard areas.

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1-A. Spray designation. The Director of the Bureau of Forestry shall, not later than February 15th of each year, designate the areas of the State upon which it is in his judgment necessary to apply chemical, biological or other material in order to suppress and control spruce budworm infestations. In making the designations, the director shall consider the following factors: The high hazard areas, risk to the natural and man-made environment, risk to human health and safety, feasibility and effectiveness of spray treatment, availability of cost-effective alternative treatment measures and availability of resources necessary to carry out the spray operation. The director shall provide forest land owners in the Spruce Fir Forest Protection District with an opportunity to submit their recommendations and any information in support thereof with respect to what areas should be designated. The director shall annually prepare maps showing the designated spray areas.

2. Notices. Within 10 days of the designations required by subsections 1 and 1-A respectively, the Forest Insect Manager shall cause to be published in the state paper and such other newspapers as he deems appropriate notices of the designations. The notices shall indicate locations where area maps will be available for inspection and where further information may be obtained and shall, in the case of the designation of the high hazard area, provide information concerning withdrawal procedures under sections 1017 and 1018.

3. Redesignation of area to be sprayed. The Director of the Bureau of Forestry may at his discretion change the actual boundaries of the spray area at any time on the basis of reevaluation of any of the factors set forth in subsection 1-A.'

Statement of Fact

This amendment removes the criteria for the designation of the Spruce Fir Forest Protection District in the present statute. In addition, this amendment provides guidelines for the Director of the Bureau of Forestry to follow when designating the actual area to be sprayed for spruce budworm suppression.

Reported by the Committee on Natural Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

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