

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 925

H.P. 710

House of Representatives, February 15, 2001

**An Act to Allow Cultivation of Those Varieties of Ribes That are
Certified Resistant or Immune to White Pine Blister Rust.**

(EMERGENCY)

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: GAGNE of Buckfield, LAVERRIERE-BOUCHER of
Biddeford, POVICH of Ellsworth, VOLENIK of Brooklin.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, current law allows the Director of the Bureau of
6 Forestry to prohibit or regulate the entry of certain plants into
the State; and

8 Whereas, the director has established a ban in many counties
10 in the State against possessing and cultivating plants of the
genus Ribes, including gooseberries, currants, European black
12 currants and other members of the Ribes plant genus; and

14 Whereas, it is possible in today's agricultural market to
obtain plants of the genus Ribes that are certified resistant or
16 immune to White Pine Blister Rust; and

18 Whereas, this bill allows the possession and cultivation of
such plants, and in order for this to be in effect for the
20 growing season this bill must take effect immediately; and

22 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
24 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
26 safety; now, therefore,

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

30 **Sec. 1. 12 MRSA §8305**, as enacted by PL 1979, c. 545, §3, is
amended to read:

32 **§8305. Shipment prohibited**

34 The director may prohibit, prevent or regulate the entry
36 into or movement within the State, from any part thereof to any
other part, of any ~~plants of the genus Ribes or other~~ nursery or
38 wilding plants, stock or parts of plants ~~which that~~ may cause the
introduction or spread of a dangerous forest insect or disease;
40 except that the director shall allow possession, shipment and
cultivation of plants of the genus Ribes if the plants are
42 specifically labeled by the shipper as certified resistant or
immune to white pine blister rust. The director may issue the
44 necessary orders, permits and notices necessary to carry out this
section which shall not be considered to require or constitute an
46 adjudicatory proceeding under the Maine Administrative Procedure
Act, Title 5, chapter 375.

48 **Emergency clause.** In view of the emergency cited in the
50 preamble, this Act takes effect when approved.

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SUMMARY

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6 This bill allows the possession, shipment and cultivation of
plants of the genus Ribes, including gooseberries, currants,
European black currants and other members of the Ribes plant
8 genus if the products are specifically labeled by the shipper as
certified resistant or immune to white pine blister rust.