

MAINE STATE LEGISLATURE

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L.D. 1855

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1855, Bill, "An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §8306 is enacted to read:

§8306. Authority to quarantine and destroy pest host material

1. Quarantines. The director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

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2 B. A quarantine to protect against the plant disease or
3 insect infestation has not been established by the
4 Commissioner of Agriculture, Food and Rural Resources or the
5 Secretary of Agriculture of the United States or is not in
6 effect.

7 2. Rulemaking. The director shall adopt rules to establish:

8 A. Quarantines as needed and authorized under subsection 1;
9 and

10 B. A process for the seizure, inspection, destruction or
11 other disposition of any forest or shade tree or any
12 material that exists within the State and is host to a plant
13 pathogen or insect that is the subject of a quarantine or is
14 transported into the State in violation of a quarantine
15 established by the director, the Commissioner of
16 Agriculture, Food and Rural Resources or the Secretary of
17 Agriculture of the United States.

18 Rules adopted pursuant to this subsection are routine technical
19 rules as defined in Title 5, chapter 375, subchapter II-A.

20 3. Salvage of condemned material. Prior to ordering the
21 destruction of forest or shade trees or parts of forest or shade
22 trees, the director shall consult with the landowner and the
23 person owning stumpage rights to determine if there are methods
24 of destruction that allow recovery of the value or a portion of
25 the value of the condemned material and effectively safeguard the
26 forest resource.'

27 Further amend the bill by inserting at the end before the
28 summary the following:

29 **FISCAL NOTE**

30 The Maine Forest Service within the Department of
31 Conservation will incur some minor additional costs to adopt
32 certain rules pertaining to forestry-related quarantines. These
33 costs can be absorbed within the agency's existing budgeted
34 resources.'

35 **SUMMARY**

36 This amendment authorizes the Director of the Maine Forest
37 Service to adopt rules to establish quarantines when a disease or
38 insect infestation threatens forest trees or shade trees. It
39 allows the director to order the destruction of trees and plant
40 materials. It requires the director to consult with the

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2 landowner and owner of stumpage rights prior to ordering the
destruction of condemned material. It also adds a fiscal note to
the bill.

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