

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1607

H.P. 1135

House of Representatives, December 23, 2009

### **An Act To Regulate the Transportation of Firewood**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McCABE of Skowhegan.  
Cosponsored by Senator GOODALL of Sagadahoc and  
Representatives: HAYES of Buckfield, KENT of Woolwich, MARTIN of Eagle Lake,  
MITCHELL of the Penobscot Nation, O'BRIEN of Lincolnville, SMITH of Monmouth,  
STUCKEY of Portland.

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

3       **Whereas,** the emerald ash borer and the Asian longhorned beetle have the potential  
4 to decimate Maine's forests, affecting wildlife habitat and other forest-based resources;  
5 and

6       **Whereas,** introduction of these insect pests poses a threat to tree species of  
7 commercial value; and

8       **Whereas,** the Asian longhorned beetle is now present in 3 northeastern states and  
9 the emerald ash borer has killed millions of ash trees in the midwestern United States and  
10 is now present in Pennsylvania; and

11       **Whereas,** the next camping season will begin in June 2010, and many campers  
12 come to Maine bringing firewood from their home states; and

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

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

18       **Sec. 1. 12 MRSA §8307** is enacted to read:

19       **§8307. Prohibition on bringing firewood into State**

20       A person may not transport firewood into the State except for firewood that is  
21 packaged and clearly labeled as "kiln dried" or certified by the United States Department  
22 of Agriculture, Animal and Plant Health Inspection Service. The director of the bureau  
23 may adopt rules to implement this section. Rules adopted pursuant to this section are  
24 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For purposes of  
25 this section, "firewood" means wood less than 4 feet in length that is sold or transported  
26 for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces  
27 or campfires. "Firewood" does not include wood chips, wood pellets, fuel for biomass  
28 boilers, pulpwood or other wood sold or transported for manufacturing.

29       **Sec. 2. Directives to the Department of Conservation.** Within the  
30 Department of Conservation, the Director of the Bureau of Forestry shall work closely  
31 with the Director of the Bureau of Parks and Lands to ensure that the prohibition on the  
32 transportation of firewood into the State under the Maine Revised Statutes, Title 12,  
33 section 8307 is enforced in state parks and on other lands managed by the Bureau of  
34 Parks and Lands. Within existing resources, the Director of the Bureau of Forestry shall  
35 conduct surveillance to detect the presence of the emerald ash borer and the Asian  
36 longhorned beetle.

37       **Emergency clause.** In view of the emergency cited in the preamble, this  
38 legislation takes effect when approved.

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## SUMMARY

2 This bill prohibits the transportation of firewood into the State. The Director of the  
3 Bureau of Forestry within the Department of Conservation is authorized to use  
4 rulemaking to implement the prohibition. Firewood that is packaged and clearly labeled  
5 as "kiln dried" or certified by the United States Department of Agriculture, Animal and  
6 Plant Health Inspection Service is exempt from the prohibition. This bill also requires the  
7 director to use available resources to conduct surveillance to detect the presence of the  
8 emerald ash borer and the Asian longhorned beetle.