

# MAINE STATE LEGISLATURE

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1 *SMC*  
2 *ROPS*  
Date: *5/17/11*

L.D. 182  
(Filing No. H-*259*)

3 **AGRICULTURE, CONSERVATION AND FORESTRY**

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5 **STATE OF MAINE**  
6 **HOUSE OF REPRESENTATIVES**  
7 **125TH LEGISLATURE**  
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "*A*" to H.P. 159, L.D. 182, Bill, "An Act To  
10 Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants"

11 Amend the bill by striking out the title and substituting the following:

12 **'Resolve, Directing the Department of Agriculture, Food and Rural Resources To**  
13 **Develop Criteria for Identifying Invasive Terrestrial Plants'**

14 Amend the bill by striking out everything after the title and before the summary and  
15 inserting the following:

16 **'Sec. 1. Identification of invasive terrestrial plants. Resolved:** That, no later  
17 than February 1, 2012, the Commissioner of Agriculture, Food and Rural Resources,  
18 referred to in this resolve as "the commissioner," shall adopt rules under the Maine  
19 Revised Statutes, Title 7, section 2217 establishing criteria by which to evaluate  
20 nonnative plant species for inclusion on a list of invasive terrestrial plants. The  
21 commissioner may use criteria developed in response to Resolve 2007, chapter 21 and  
22 included in a report to the Joint Standing Committee on Agriculture, Conservation and  
23 Forestry on February 1, 2008 as the basis for the rules. The rules may include a provision  
24 allowing the commissioner to evaluate a cultivar of a species listed or proposed for listing  
25 as an invasive terrestrial plant. The commissioner may exclude a cultivar from the list  
26 when an evaluation demonstrates that the cultivar does not meet the criteria for inclusion  
27 as an invasive terrestrial plant. Rules adopted under this resolve are routine technical  
28 rules as defined in Title 5, chapter 375, subchapter 2-A.

29 For the purposes of this resolve, "invasive terrestrial plant" means any nonnative  
30 plant species that has spread or has the potential to spread into native or minimally  
31 managed plant habitats in the State and has caused or has the potential to cause economic  
32 or environmental harm by developing self-sustaining populations that disrupt or threaten  
33 native plant populations in the State; and be it further

34 **Sec. 2. List of invasive terrestrial plants. Resolved:** That the commissioner  
35 shall propose a prioritized list of nonnative plant species to be evaluated using the criteria  
36 developed under section 1; and be it further

**COMMITTEE AMENDMENT**

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**Sec. 3. Report to Joint Standing Committee on Agriculture, Conservation and Forestry. Resolved:** That, no later than February 15, 2012, the commissioner shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria established in rule and a list of plants being considered for evaluation using the criteria adopted under section 1.'

**SUMMARY**

This amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to establish criteria through rulemaking for identifying invasive terrestrial plants no later than February 1, 2012. The commissioner is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria adopted and a list of plants being considered for evaluation.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 125th MAINE LEGISLATURE

LD 182

LR 708(02)

## An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources associated with rulemaking and establishing a prioritized list of nonnative plant species to be evaluated can be absorbed with existing staff and within existing budgeted resources.