

MAINE STATE LEGISLATURE

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DMG
ROES

L.D. 714

Date: 5/15/13

Majority

(Filing No. H-171)

1
2
3 **AGRICULTURE, CONSERVATION AND FORESTRY**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **126TH LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 486, L.D. 714, Bill, "An Act To
10 Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"

11 Amend the bill by inserting after the enacting clause and before section 1 the
12 following:

13 '**Sec. 1. 12 MRSA §8306, sub-§1**, as enacted by PL 2001, c. 547, §1 and
14 amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

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

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

25 B. A quarantine to protect against the plant disease or insect infestation has not been
26 established by the Commissioner of Agriculture, Conservation and Forestry or the
27 Secretary of Agriculture of the United States or is not in effect.'

28 Amend the bill in section 1 in paragraph B in subparagraph (1) in the first line (page
29 1, line 6 in L.D.) by striking out the following: "is host to" and inserting the following:
30 'harbors'

31 Amend the bill in section 1 in paragraph B in subparagraph (2) in the first line (page
32 1, line 8 in L.D.) by striking out the following: "is host to" and inserting the following:
33 'harbors'

34 Amend the bill by adding after section 1 the following:

ROFS

1 **'Sec. 2. Report.** By December 15, 2013, the Director of the Maine Forest Service
2 within the Department of Agriculture, Conservation and Forestry shall report on the rules
3 adopted pursuant to this Act to the Joint Standing Committee on Agriculture,
4 Conservation and Forestry.'

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
6 section number to read consecutively.

7 **SUMMARY**

8 This amendment is the majority report of the Joint Standing Committee on
9 Agriculture, Conservation and Forestry. Under current law, the Maine Forest Service has
10 the authority to destroy or order the destruction of trees infested with a plant pathogen or
11 insect that is the subject of a quarantine. The amendment clarifies the provisions of the
12 bill that provide that the Maine Forest Service may adopt rules to destroy or order the
13 destruction or other mitigation of nearby trees that are likely to become infested in order
14 to control the spread of the outbreak. The amendment provides that the Maine Forest
15 Service may exercise its authority under current law to establish a quarantine on the
16 transportation of trees or parts of trees notwithstanding any other provision of law. The
17 amendment also requires the Director of the Maine Forest Service to submit a report on
18 the rules adopted to the Joint Standing Committee on Agriculture, Conservation and
19 Forestry by December 15, 2013.

20 **FISCAL NOTE REQUIRED**

21 (See attached)



126th MAINE LEGISLATURE

LD 714

LR 1357(02)

An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

A (H-171)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Conservation and Forestry associated with rulemaking can be absorbed within existing budgeted resources.