

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

H.P. 486 - L.D. 714

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

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

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

1. Quarantines. ~~The~~ Notwithstanding any other provision of law, 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

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

Sec. 2. 12 MRSA §8306, sub-§2, ¶B, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

(1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;

(2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or

(3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States.

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