



126th MAINE LEGISLATURE

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Legislative Document

No. 714

H.P. 486

House of Representatives, February 26, 2013

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

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McCABE of Skowhegan.

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

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 W, §6, is repealed and the following enacted in its place:

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

6 (1) Exists within the State and is host to a plant pathogen or insect that is the
7 subject of a quarantine;

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

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

13 **SUMMARY**

14 This bill amends the rule-making authority of the Maine Forest Service when dealing
15 with introduced forest insects or diseases. Under current law, the agency has the
16 authority to destroy or order the destruction of trees infested with a plant pathogen or
17 insect that is the subject of a quarantine. This bill provides that the agency may develop
18 rules to destroy or order the destruction or other mitigation of nearby trees that are likely
19 to become infested in order to control the spread of the outbreak.