

CHAPTER 803

FOREST HEALTH AND MONITORING

SUBCHAPTER 1

GENERAL PROVISIONS

§8101. Forest Health and Monitoring program

1. Powers and duties. The Director of the Bureau of Forestry shall maintain sufficient resources, both personnel and technical information, within the limit of funds available, in order to:

A. Maintain a statewide surveillance system to detect and monitor insects, diseases and abiotic agents, including air pollution and acid deposition potentially injurious to the forest resources of the State; [PL 1987, c. 183, §1 (AMD).]

B. Provide information and technical advice and assistance to individuals and other state and federal agencies on the identification and control of forest insects and diseases; [PL 1979, c. 545, §3 (NEW).]

C. Conduct and supervise control programs for forest diseases and insects where authorized; [PL 1987, c. 183, §1 (AMD).]

D. Assist in the enforcement of federal and state quarantine laws relating to forest insects and diseases; [PL 1987, c. 183, §1 (AMD).]

E. Conduct applied research related to the management of insects, diseases and abiotic agents potentially injurious to the forest resources of the State, including forest management strategies, insecticide and spray application technologies, integrated pest management techniques and other issues pertinent to the purposes of this chapter. The director shall maintain up-to-date information on the injurious impacts of insects, diseases and abiotic agents, including air pollution and acid deposition on the forests of the State; and [PL 1987, c. 183, §1 (NEW).]

F. Consult and cooperate with other agencies of the United States, other state governments, the federal and provincial governments of Canada and public and private landowners in the State on applied research, survey and management of forest pest problems. [PL 1987, c. 183, §1 (NEW).] [PL 1999, c. 790, Pt. A, §18 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §1 (AMD). PL 1999, c. 790, §A18 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 2

DETECTION; TECHNICAL ASSISTANCE

§8201. Detection

The director may go on any land for the purpose of surveying, inspecting or detecting the presence of a forest insect or disease which may, in the judgment of the director, pose a danger or public nuisance to the shade, ornamental and forest trees of the State. [PL 1979, c. 545, §3 (NEW).]

The director may do any work involved in ascertaining the presence of these organisms. If survey work involves the use of so-called "trap" material on developed lands, the landowner shall be notified of the intent to go on the land. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8202. Information and recommendations

1. Resources. The director shall maintain sufficient resources, including research materials and technical expertise, within the limits of available funds, in order that the bureau may:

A. Respond to requests to identify forest insects and diseases of concern to landowners and municipalities; [PL 1979, c. 545, §3 (NEW).]

B. Determine the severity of forest insect or disease problems; [PL 1979, c. 545, §3 (NEW).]

C. Provide advice on control measures; [PL 1979, c. 545, §3 (NEW).]

D. Refer individuals to other state or federal agencies for technical or financial assistance; and [PL 2013, c. 37, §1 (AMD).]

E. [PL 2013, c. 37, §2 (RP).]

F. Respond to requests for information on insects, other than forest insects, including their identification and control. [PL 1979, c. 545, §3 (NEW).]

[PL 2013, c. 37, §§1, 2 (AMD); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Results of investigations. The director shall provide the results of any investigation completed pursuant to this section or section 8201 to the affected landowner and municipality. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 37, §§1, 2 (AMD). PL 2013, c. 405, Pt. A, §23 (REV).

SUBCHAPTER 3

SUPPRESSION ACTIVITIES

§8301. Emergencies

Responsibility for control of forest insect and disease outbreaks shall, in all but emergencies, rest with the owners of the property whether private or public. [PL 1979, c. 545, §3 (NEW).]

Emergencies, for the purposes of this chapter, shall be so considered when, in the opinion of the director, the infestation or disease is likely to kill or seriously injure trees in large numbers, or is so localized that immediate control will prevent a large possible outbreak, or is of recent foreign origin. [PL 1987, c. 183, §2 (AMD).]

In emergencies, the director may enter into agreement with municipal officials to pay up to 1/2 the cost of control if state funds are available for this purpose. Whenever the State does contribute funds for this purpose, it shall have the authority to determine the control methods to be used. The State may make similar agreements with groups of private owners if the project is approved by municipal officials. [PL 1979, c. 545, §3 (NEW).]

In an emergency, control measures may be done directly by the State or may be done on a contract basis with responsible private companies or individuals. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §2 (AMD).

§8302. Locally requested control work

Whenever any municipality shall appropriate or raise a sum of money and shall pay the same into the State Treasury for the purpose of controlling, within its borders, a forest insect or disease declared a public nuisance pursuant to section 8303, the director shall cause the amount to be expended in the municipality, together with such sum as may be determined by the director from the state appropriation made therefor. If the director finds it to be unnecessary or impracticable to expend the entire amount or any part thereof during the year following the payment to the Treasurer of State, the unexpended proportion shall be reimbursed to the municipality. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8303. Declared a public nuisance

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 183, §3 (RP).

§8304. Control measures; protest

Any public agency or group of owners carrying on or planning control measures may appeal to the director for permission to carry out the project in case the owner or owners of property in or adjacent to the control area refuses to do control work or to allow control work to be done on their property. The director may, after careful inspection and survey has shown an emergency exists according to the requirements of section 8301, grant authority for control measures to be carried out on the protestors' lands. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§8305. Shipment prohibited

The director may prohibit, prevent or regulate the entry into or movement within the State of any plants of the genus Ribes or other nursery or wilding plants, stock or parts of plants or wood or wood products that may cause the introduction or spread of a dangerous forest insect or disease. The director may issue orders, permits and notices necessary to carry out this section. Orders, permits and notices issued under this section do not require or constitute an adjudicatory proceeding under the Maine Administrative Procedure Act. [PL 2009, c. 585, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2009, c. 585, §1 (AMD).

§8306. Authority to quarantine and destroy pest host material

1. Quarantines. 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 [PL 2001, c. 547, §1 (NEW).]

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. [PL 2001, c. 547, §1 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

[PL 2013, c. 196, §1 (AMD).]

2. Rulemaking. The director shall adopt rules to establish:

A. Quarantines as needed and authorized under subsection 1; and [PL 2001, c. 547, §1 (NEW).]

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. [PL 2013, c. 196, §2 (RPR).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 2013, c. 196, §2 (AMD).]

3. Salvage of condemned material. Prior to ordering the destruction of forest or shade trees or parts of forest or shade trees, the director shall consult with the landowner and the person owning stumpage rights to determine if there are methods of destruction that allow recovery of the value or a portion of the value of the condemned material and effectively safeguard the forest resource.

[PL 2001, c. 547, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 547, §1 (NEW). PL 2011, c. 657, Pt. W, §6 (REV). PL 2013, c. 196, §§1, 2 (AMD).

§8307. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 8306 or a condition or term of an order, permit or notice issued by the director or the Commissioner of Agriculture, Conservation and Forestry in accordance with section 8305 commits a civil violation.

[PL 2019, c. 595, §2 (NEW).]

2. Penalty. Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §2 (NEW).]

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §2 (NEW).]

[PL 2019, c. 595, §2 (NEW).]

3. Economic benefit. If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

[PL 2019, c. 595, §2 (NEW).]

4. Costs permitted. In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

[PL 2019, c. 595, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 595, §2 (NEW).

SUBCHAPTER 4

SPRUCE BUDWORM SUPPRESSION ACT

§8401. Short title

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8402. Legislative policy

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8403. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 517, §1 (AMD). MRSA T. 12 §8420 (RP).

§8404. Spruce Fir Forest Protection District

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §3 (RPR). MRSA T. 12 §8420 (RP).

§8405. Funding

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §4 (AMD). PL 1981, c. 517, §2 (AMD). MRSA T. 12 §8420 (RP).

§8406. Taxation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §5 (RPR). PL 1981, c. 259, §1 (AMD). MRSA T. 12 §8420 (RP).

§8407. Designated spray areas

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8407-A. Settlement corridors

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §6 (NEW). MRSA T. 12 §8420 (RP).

§8408. Automatic withdrawals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8409. Silvicultural treatment designation

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1981, c. 470, §A30 (AMD). MRSA T. 12 §8420 (RP).

§8410. General conditions for withdrawals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8411. Duties and authority of the Director of the Bureau of Forestry

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §7 (AMD). PL 1981, c. 259, §2 (AMD). MRSA T. 12 §8420 (RP).

§8412. Committee on Spruce Fir Silviculture

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8413. Rules relating to silviculture

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8414. Forest Insect Manager

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8415. Service foresters

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §8 (RP). MRSA T. 12 §8420 (RP).

§8416. Other state and municipal agencies

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8417. Research

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1979, c. 737, §9 (RPR). MRSA T. 12 §8420 (RP).

§8417-A. Technical programs

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §10 (NEW). MRSA T. 12 §8420 (RP).

§8418. Appeals

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). MRSA T. 12 §8420 (RP).

§8419. Review

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §11 (NEW). MRSA T. 12 §8420 (RP).

§8420. Repeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §11A (NEW). MRSA T. 12 §8420 (RP).

SUBCHAPTER 4-A

MAINE SPRUCE BUDWORM MANAGEMENT ACT

§8421. Short title

This subchapter shall be known and may be cited as the "Maine Spruce Budworm Management Act." [PL 1979, c. 737, §12 (NEW).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW).

§8422. Legislative policy

The Legislature declares that it shall be the policy of the State to undertake a spruce budworm management program to minimize the short-term and long-term impacts of spruce budworm insect infestations upon the state's spruce and fir forests in accordance with the following policy objectives: [PL 1979, c. 737, §12 (NEW).]

1. Supply of wood. Monitoring the status of and reporting on the present and future supply of wood to support the long-term economic needs of the State and of its forest products industries; [PL 2015, c. 314, §1 (AMD).]

2. Development of program. The development and utilization in both the public and private sectors of forest protection and management programs that are cost-effective, biologically sound and responsive to the public's environmental and health concerns; [PL 2015, c. 314, §1 (AMD).]

3. Reduction in use of insecticides. The reduction in reliance upon the use of chemical insecticides in spruce budworm suppression programs; [PL 1979, c. 737, §12 (NEW).]

4. Private efforts; pest management. The encouragement of private efforts to undertake a variety of integrated pest management techniques that result in a long-term reduction in the vulnerability of the State's forests to spruce budworm infestation and loss; [PL 2015, c. 314, §1 (AMD).]

4-A. Presalvage and salvage harvesting. The regulation of presalvage and salvage harvesting designed to reduce losses of timber while protecting public trust resources and supporting the protection of wildlife habitat through the retention of non-susceptible tree species where silviculturally and ecologically appropriate; [PL 2015, c. 314, §2 (NEW).]

5. Implementation. The implementation of methods for determining private and public participation in spruce budworm management programs, including provision for voluntary participation in future insecticide spray projects; [PL 2015, c. 314, §3 (AMD).]

6. Regulatory review. The provision for adequate regulatory review of any proposed insecticide spray projects by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and [PL 2015, c. 314, §3 (AMD).]

7. Management options. The provision of management options for forest landowners designed to minimize impacts of spruce budworm infestation and loss. [PL 2015, c. 314, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 2015, c. 314, §§1-3 (AMD).

§8423. Definitions**(REPEALED)**

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §1 (RP).

§8423-A. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1981, c. 278, §2 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

2. Designated spray area.

[PL 2015, c. 314, §4 (RP).]

3. Director. "Director" means the Director of the Bureau of Forestry.

[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. District.

[PL 2015, c. 314, §4 (RP).]

5. Forest land owners. "Forest land owners" means persons who own forest lands.

[PL 2015, c. 314, §5 (AMD).]

6. Management program. "Management program" means all activities undertaken by the Bureau of Forestry in connection with the short-term and long-term management of spruce budworm infestations, including, without limitation, any activities undertaken in connection with spruce budworm survey and detection activities, targeting silvicultural and integrated pest management programs, research, methods development and related activities and any involvement in any spray activities.

[PL 2015, c. 314, §6 (AMD).]

7. Person. "Person" means any individual, partnership, joint venture, corporation or other legal entity or any group of persons which acts as a tenancy in common or joint tenancy for ownership purposes and includes any government or any agency, bureau or commission thereof.

[PL 1981, c. 278, §2 (NEW).]

7-A. Presalvage and salvage harvesting. "Presalvage and salvage harvesting" means the harvesting of trees vulnerable to damage.

[PL 2015, c. 314, §7 (NEW).]

8. Rebate.

[PL 2015, c. 314, §8 (RP).]

9. Rule. "Rule" means a duly-adopted regulation of general applicability promulgated by the Bureau of Forestry. These rules shall have the force and effect of law.

[PL 1981, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

10. Spray program area.

[PL 2015, c. 314, §8 (RP).]

11. Spray project.

[PL 2015, c. 314, §9 (RP).]

12. Spruce budworm. "Spruce budworm" means the insect of the species known as *Choristoneura fumiferana*, Clem., at any stage of its biological development.

[PL 1981, c. 278, §2 (NEW).]

13. Spruce budworm timber harvesting standards. "Spruce budworm timber harvesting standards" means standards for presalvage and salvage harvesting of spruce and fir stands vulnerable to and subject to spruce budworm damage.

[PL 2015, c. 314, §10 (NEW).]

SECTION HISTORY

PL 1981, c. 278, §2 (NEW). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§4-10 (AMD).

§8423-B. Spruce Fir Forest Protection District

(REPEALED)

SECTION HISTORY

PL 1981, c. 278, §3 (NEW). PL 2015, c. 314, §11 (RP).

§8423-C. Presalvage and salvage harvesting

1. Regulation. The Department of Agriculture, Conservation and Forestry shall regulate the presalvage and salvage harvesting of forest stands in areas that, based on the proportion of balsam fir, white spruce, red spruce, black spruce, other softwood and hardwood components present, have significant risk of damage from spruce budworm and are subject to a credible threat of imminent spruce budworm damage.

A. The assessments of risk and vulnerability of a specific forest stand must be supported by adequate data, including but not limited to:

(1) Forest stand type information; and

(2) A documented history of recent elevated spruce budworm moth presence or foliage damage from spruce budworm feeding. [PL 2015, c. 314, §12 (NEW).]

B. The director shall designate areas for presalvage and salvage harvesting subject to rules adopted pursuant to subsection 5 no later than January 1st of each year. Areas designated for presalvage and salvage harvesting must be inspected and verified by a licensed forester in the employ of the bureau. The director shall seek public comment for a 30-day period prior to designating such areas. [PL 2015, c. 314, §12 (NEW).]

C. A forest stand that is identified for presalvage and salvage harvesting must be located within the areas designated pursuant to paragraph B. [PL 2015, c. 314, §12 (NEW).]
[PL 2015, c. 314, §12 (NEW).]

2. Notification. Prior to beginning timber harvesting pursuant to this subchapter, a landowner or designated agent shall notify the bureau in accordance with the notification requirements set forth in chapter 805, subchapter 5.

[PL 2015, c. 314, §12 (NEW).]

3. Reporting. Timber harvests conducted pursuant to this subchapter are subject to the same reporting requirements set forth in chapter 805, subchapter 5, except that the director may require additional information to be reported to satisfy the requirements of this subchapter.

[PL 2015, c. 314, §12 (NEW).]

4. Confidentiality. Reports filed in accordance with subsection 3 are confidential. The director may publish summary reports that use aggregated data that do not reveal the activities of an individual

person or firm. Reports submitted pursuant to subsection 3 must be available for the use of the State Tax Assessor for the administration of Title 36.

[PL 2015, c. 314, §12 (NEW).]

5. Rules. The commissioner shall adopt rules to implement this subchapter, including rules establishing spruce budworm timber harvesting standards. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The rules must:

(1) Exclude presalvage and salvage harvesting in protection subdistricts within the jurisdiction of the Maine Land Use Planning Commission and in areas subject to timber harvesting regulation under section 8867-B;

(2) Identify the areas subject to a credible threat of imminent spruce budworm damage and the forest stand criteria needed for presalvage and salvage harvesting; and

(3) Define the size and scope of presalvage and salvage harvesting projects that will require additional review by the bureau. [PL 2015, c. 314, §12 (NEW).]

B. The Commissioner of Agriculture, Conservation and Forestry shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that rules adopted under this subsection are consistent with wildlife habitat and environmental protection. [PL 2015, c. 314, §12 (NEW).]

C. Except as otherwise provided in this subchapter or in rules developed pursuant to this subsection, the provisions of chapter 805, subchapter 3-A do not apply to presalvage and salvage harvesting regulated under this subchapter. [PL 2015, c. 314, §12 (NEW).]

D. The rules must provide that regeneration requirements adopted by rule pursuant to section 8869, subsection 1 apply to spruce budworm timber harvesting conducted pursuant to this subchapter. [PL 2015, c. 314, §12 (NEW).]

[PL 2015, c. 314, §12 (NEW).]

6. Penalties. A person who violates this section or a rule adopted pursuant to this section commits a civil violation and is subject to the following penalties:

A. A person who violates this section or a rule adopted pursuant to this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation; and [PL 2015, c. 314, §12 (NEW).]

B. A person who violates this section or a rule adopted pursuant to this section after having previously been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 but not more than \$2,000 may be adjudged for each day of that violation. [PL 2015, c. 314, §12 (NEW).]

If the economic benefit resulting from the violation exceeds the applicable penalties under paragraphs A and B, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The bureau shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

[PL 2015, c. 314, §12 (NEW).]

SECTION HISTORY

PL 2015, c. 314, §12 (NEW).

§8424. Program planning

1. General authority. In accordance with the provisions of this subchapter, the Bureau of Forestry, acting under the supervision of the director, may plan for and undertake activities related to spruce budworm management programs on behalf of the State.
[PL 2015, c. 314, §13 (AMD).]

2. Application for spray project eligibility.
[PL 2015, c. 314, §14 (RP).]

3. Effect of application.
[PL 2015, c. 314, §15 (RP).]

4. Spray project designation.
[PL 2015, c. 314, §16 (RP).]

5. General conditions for applications and requests.
[PL 2015, c. 314, §16 (RP).]

6. Settlement corridors.
[PL 2015, c. 314, §17 (RP).]

7. Technical assistance programs. The Bureau of Forestry shall use its authorized technical assistance programs to assist landowners with spruce budworm management issues.
[PL 2015, c. 314, §18 (AMD).]

8. Supply-demand analyses. The Bureau of Forestry shall conduct or cause to be conducted analyses of future supply and demand for the spruce and fir resources of the State.
[PL 2015, c. 314, §18 (AMD).]

9. Environmental health monitoring.
[PL 2015, c. 314, §19 (RP).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §§4-6 (AMD). PL 1981, c. 565 (AMD). PL 1983, c. 623 (AMD). PL 1983, c. 656, §§1,2 (AMD). PL 1985, c. 58, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2011, c. 662, §10 (AMD). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§13-19 (AMD).

§8425. Regulatory Jurisdiction
(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §20 (RP).

§8426. Funding
(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §7 (AMD). PL 1983, c. 109, §1 (AMD). PL 1983, c. 810, §§1-3 (AMD). PL 1983, c. 819, §A36 (AMD). PL 1985, c. 58, §2 (AMD). PL 1985, c. 664, §1 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §21 (RP).

§8427. Taxation
(REPEALED)

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §§8-10 (AMD). PL 1981, c. 630, §1 (AMD). PL 1983, c. 109, §2 (AMD). PL 1983, c. 810, §§4,5 (AMD). PL 1985, c. 58, §§3,4 (AMD). PL 1985, c. 664, §2 (AMD). RR 2009, c. 2, §26 (COR). RR 2013, c. 2, §19 (COR). PL 2015, c. 314, §22 (RP).

§8428. Duties and authority of the Director of the Bureau of Forestry

1. General. The director shall supervise and coordinate the activities of bureau personnel in connection with all management programs.

[PL 1979, c. 737, §12 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Rules.

[PL 2015, c. 314, §23 (RP).]

3. Applications.

[PL 2015, c. 314, §23 (RP).]

4. Declaration of termination of spray projects.

[PL 2015, c. 314, §24 (RP).]

5. Entry on lands. The director or the director's representatives may enter any tract of land on which a spruce budworm management program is being conducted or is proposed to be conducted.

[PL 2015, c. 314, §25 (AMD).]

6. Inspection of records.

[PL 2015, c. 314, §26 (RP).]

7. Contractual authority. The director may enter into contracts for management programs and for other purposes related to this subchapter.

[PL 2015, c. 314, §27 (AMD).]

8. Reimbursement to state agencies.

[PL 2015, c. 314, §28 (RP).]

9. Cooperation. The director shall consult and cooperate with the United States Forest Service, other agencies of the United States and of any state, the dominion government of Canada, the governments of any provinces of Canada and public and private landowners in the State in developing and undertaking joint management program activities.

[PL 1985, c. 664, §3 (NEW).]

10. Report. The director shall, at the end of each calendar year, undertake a review of any spruce budworm management program activities undertaken that year and shall make a full report on the activities to the joint standing committee of the Legislature having jurisdiction over forestry management matters during the next session of the Legislature. The report must include, but is not limited to, spruce budworm survey and monitoring activities and findings, outcomes of any research or methods development activities, levels and outcomes of harvest monitoring for harvests conducted under rules adopted pursuant to this subchapter, scopes of landowner assistance activities conducted and other issues as appropriate. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control must report information on spray activities related to spruce budworm management and outcomes annually to the bureau no later than March 1st. Reports required under this subsection must use aggregated data that do not reveal the activities of an individual person or firm.

[PL 2015, c. 314, §29 (AMD).]

11. Permit applications.

[PL 2015, c. 314, §30 (RP).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1985, c. 664, §3 (AMD). PL 2011, c. 657, Pt. W, §§6, 7 (REV). RR 2013, c. 1, §24 (COR). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §§ 23-30 (AMD).

§8429. Forest insect manager**(REPEALED)****SECTION HISTORY**

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §11 (AMD). PL 1985, c. 664, §4 (RP). PL 1985, c. 785, §B74 (AMD). PL 1987, c. 402, §A97 (AMD).

§8430. Research

1. Authority. The Bureau of Forestry, acting through its director, with the approval of the commissioner, may make grants of funds and enter into contracts for purposes of research related to forest management strategies, effects on wildlife and wildlife habitat, insecticide and spray application technologies, integrated pest management techniques, forest product marketing and utilization and other issues pertinent to the purposes of this subchapter. This research may be funded with any funds available, as long as the cost of environmental and health monitoring of spray projects are part of annual spray project costs and not paid out of General Fund moneys.

[PL 2015, c. 314, §31 (AMD).]

2. Research on public lands. The commissioner, director or other chief executive officer of any state agency having jurisdiction over any public land may make that land over which the commissioner, director or officer has jurisdiction available on such terms and conditions as the commissioner, director or officer considers reasonable to any public or private nonprofit entity engaged in spruce budworm control research and related silvicultural control research. The director shall likewise encourage private landowners within the State to make their lands available for the same purposes.

[PL 2015, c. 314, §31 (AMD).]

SECTION HISTORY

PL 1979, c. 737, §12 (NEW). PL 1981, c. 278, §12 (AMD). PL 1987, c. 183, §4 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 314, §31 (AMD).

§8431. Effect of other laws

This subchapter does not exempt any presalvage and salvage harvesting on public reserved lands and nonreserved public lands from any other law governing management of those lands, including but not limited to management of deer wintering areas. [PL 2015, c. 314, §32 (NEW).]

SECTION HISTORY

PL 2015, c. 314, §32 (NEW).

SUBCHAPTER 5**PEST CONTROL COMPACT****§8501. Pest Control Compact****(REPEALED)****SECTION HISTORY**

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8502. Findings -- Article I

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8503. Definitions -- Article II

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8504. The insurance fund -- Article III

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8505. The insurance fund; internal operations and management -- Article IV

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8506. Compact and Insurance fund administration -- Article V

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8507. Assistance and reimbursement -- Article VI

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8508. Advisory and technical committees -- Article VII

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8509. Relations with nonparty jurisdictions -- Article VIII

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8510. Finance -- Article IX

(REPEALED)

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8511. Entry into force and withdrawal -- Article X**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8512. Construction and severability -- Article XI**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8513. Cooperation**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8514. Bylaws filed**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8515. Compact administrator**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8516. Request**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8517. Appropriations**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

§8518. Definition**(REPEALED)**

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2005, c. 147, §2 (RP).

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