1	L.D. 714
2	Date: (Filing No. H-)
3	AGRICULTURE, CONSERVATION AND FORESTRY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 486, L.D. 714, Bill, "An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"
11 12	Amend the bill by inserting after the enacting clause and before section 1 the following:
13 14	'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:
15 16 17 18 19 20	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:
21 22 23 24	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
25 26 27	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.'
28 29 30	Amend the bill in section 1 in paragraph B in subparagraph (1) in the first line (page 1, line 6 in L.D.) by striking out the following: " <u>is host to</u> " and inserting the following: ' <u>harbors</u> '
31 32 33	Amend the bill in section 1 in paragraph B in subparagraph (2) in the first line (page 1, line 8 in L.D.) by striking out the following: " <u>is host to</u> " and inserting the following: ' <u>harbors</u> '
34	Amend the bill by adding after section 1 the following:

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COMMITTEE AMENDMENT

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'Sec. 2. 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.'

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

SUMMARY

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

20	FISCAL NOTE REQUIRED
21	(See attached)

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COMMITTEE AMENDMENT