



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 182

H.P. 159

House of Representatives, January 27, 2011

An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EVES of North Berwick.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: DUCHESNE of Hudson, McCABE of Skowhegan, O'BRIEN of Lincolnville.

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

2 **Sec. 1. 7 MRSA §2211, sub-§2-A** is enacted to read:

3 **2-A. Invasive terrestrial plant.** "Invasive terrestrial plant" means any nonnative
4 plant species, including *Elaeagnus angustifolia*, commonly known as Russian olive, that:

5 A. Has spread or has the potential to spread into native plant habitats in the State;

6 B. Has caused or has the potential to cause economic or environmental harm by
7 developing self-sustaining populations that disrupt or threaten native plant
8 populations in the State; and

9 C. Is on a list of invasive terrestrial plants maintained by the commissioner in
10 accordance with section 2218, subsection 2.

11 **Sec. 2. 7 MRSA §2213, sub-§1, ¶A,** as enacted by PL 1991, c. 785, §3, is
12 amended to read:

13 A. The State Horticulturist or an assistant shall inspect nurseries as determined
14 necessary by the State Horticulturist. Nurseries must be accessible at reasonable
15 times for inspection. If plant pests are found at sufficient levels to pose a threat to
16 other horticultural establishments or the general public, the State Horticulturist may
17 issue an order to embargo or detain the nursery stock. The State Horticulturist shall
18 issue an order for the destruction of any invasive terrestrial plants found offered for
19 sale. Upon issuing an order of embargo ~~or~~ detention or destruction, the State
20 Horticulturist shall notify the owner of the nursery stock of that order. Within 10
21 days of receipt of notification, the owner may request a hearing to be held in
22 accordance with the Maine Administrative Procedure Act.

23 The State Horticulturist may prescribe measures designed to control the plant pests.
24 The State Horticulturist shall remove the order of embargo or detention if satisfied
25 that the plant pests have been controlled. The State Horticulturist may prescribe
26 measures for the destruction of or may seize and destroy invasive terrestrial plants.

27 **Sec. 3. 7 MRSA §2214,** as enacted by PL 1991, c. 785, §3, is amended to read:

28 **§2214. Shipments certified**

29 Nursery stock shipped into this State from any other state, province or country must
30 bear a certificate on each package stating that the contents were inspected by an
31 authorized inspecting officer and that the contents appear to be free from plant pests. The
32 State Horticulturist or an assistant may inspect, at the point of destination, all nursery
33 stock coming into the State. If that nursery stock is infested with any plant pests or
34 determined to be an invasive terrestrial plant, the State Horticulturist, after notice and
35 opportunity for a hearing as provided in the Maine Administrative Procedure Act, may
36 order the stock destroyed or returned to the consignor at the consignor's expense.

37 **Sec. 4. 7 MRSA §2216,** as enacted by PL 1991, c. 785, §3, is amended to read:

