

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
124th Legislature
Second Regular Session

Chapter 585
H.P. 1135 - L.D. 1607

An Act To Regulate the Transportation of Firewood

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the emerald ash borer and the Asian longhorned beetle have the potential to decimate Maine's forests, affecting wildlife habitat and other forest-based resources; and

Whereas, introduction of these insect pests poses a threat to tree species of commercial value; and

Whereas, the Asian longhorned beetle is now present in 3 northeastern states and the emerald ash borer has killed millions of ash trees in the midwestern United States and is now present in Pennsylvania; and

Whereas, the transportation of firewood has been demonstrated to hasten the spread of these pests beyond the normal biological dispersal rate; and

Whereas, the next camping season will begin in June 2010, and many campers come to Maine bringing firewood from their home states; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §8305, as enacted by PL 1979, c. 545, §3, is amended to read:

§ 8305. Shipment prohibited

The director may prohibit, prevent or regulate the entry into or movement within the State, ~~from any part thereof to any other part,~~ of any plants of the genus *Ribes* or other nursery or wilding plants, stock or parts of plants which or wood or wood products that may cause the introduction or spread of a dangerous forest insect or disease. The director may issue ~~the necessary~~ orders, permits and notices necessary to carry out this section ~~which shall not be considered to~~ . Orders, permits and notices issued under this section do not require or constitute an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. Transportation of firewood; rules. The Director of the Bureau of Forestry within the Department of Conservation shall seek funding from private and public sources to supplement and secure federal funding sufficient to implement restrictions on the transportation of firewood into the State. Upon securing adequate funding, the director shall adopt rules under the Maine Revised Statutes, Title 12, section 8306 to restrict the importation of firewood into the State to protect the State's forests from introduction of the emerald ash borer and the Asian longhorned beetle. The rules may allow the transportation of kiln-dried wood and include other exceptions the director determines do not threaten the State's forests. For purposes of this section, "firewood" means wood that is sold or transported for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces or campfires. "Firewood" does not include wood chips, wood pellets, fuel for biomass boilers, pulpwood or other wood sold or transported for manufacturing purposes.

Sec. 3. Directives to the Department of Conservation. Within the Department of Conservation, the Director of the Bureau of Forestry shall work closely with the Director of the Bureau of Parks and Lands to ensure that the transportation of firewood into state parks and onto other lands managed by the Bureau of Parks and Lands is restricted to protect the State's forests from introduction of the emerald ash borer and the Asian longhorned beetle. Within existing resources, the Director of the Bureau of Forestry shall conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle. The Director of the Bureau of Forestry may propose modifications to the definition of "firewood" under section 2 to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 1, 2010.