

Chapter 272: EUROPEAN LARCH CANKER QUARANTINE

SUMMARY: This chapter establishes a quarantine against the European larch canker to prevent its movement from Hancock, Knox, Lincoln, Sagadahoc, and Waldo Counties and parts of Androscoggin, Cumberland, Penobscot, and Washington Counties to other parts of the State, to protect Maine's forest and timber resources.

SECTION 1: EUROPEAN LARCH CANKER QUARANTINE.

A quarantine is established against the following pest and possible carriers.

1. Pest. European Larch Canker (*Lachnellula willkommi* (Dasycypha)).
2. Regulated articles.
 - A. Logs, pulpwood, branches, twigs, plants, scion, and other propagative material of the *Larix* or *Pseudolarix* spp., except for seeds;
 - B. Any other article, product, or means of conveyance, which, in the determination of the commissioner of the Department of Agriculture (the commissioner), presents the risk of spread of European larch canker.
3. **Area Under Quarantine**
 - A. The entire counties of Hancock, Knox, Lincoln, Sagadahoc, and Waldo;
 - B. Portions of Androscoggin County including the Minor Civil Divisions of Durham, Lisbon, and Sabattus;
 - C. Portions of Cumberland County including the Minor Civil Divisions of Brunswick, Chebeague Island, Freeport, Harpswell, North Yarmouth, Pownal, and Yarmouth;
 - D. Portions of Penobscot County including the Minor Civil Divisions of Alton, Argyle Twp, Bangor, Bradford, Bradley, Brewer, Burlington, Carmel, Carroll Plt, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Twp, Greenbush, Greenfield Twp, Hampden, Hermon, Holden, Howland, Hudson, Indian Island, Kenduskeag, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Mattamiscontis Twp, Maxfield, Milford, Newburgh, Newport, Old Town, Orono, Orrington. Passadumkeag, Plymouth, Pukakon Twp, Springfield, Stetson,

Summit Twp, T3 R1 NBPP, and Veazie;

- E. Portions of Washington County including the Minor Civil Divisions of Addison, Alexander, Baileyville, Baring Plt, Beals, Beddington, Berry Twp, Big Lake Twp, Calais, Cathance Twp, Centerville Twp, Charlotte, Cherryfield, Codyville Twp, Columbia, Columbia Falls, Cooper, Crawford, Cutler, Day Block Twp, Deblois, Dennysville, Devereaux Twp, Dyer Twp, East Machias, Eastport, Edmunds Twp, Fowler Twp, Grand Lake Stream Plt, Greenlaw Chopping Twp, Harrington, Indian Twp Res, Jonesboro, Jonesport, Kossuth Twp, Lambert Lake Twp, Lubec, Machias, Machiasport, Marion Twp, Marshfield, Meddybemps, Milbridge, Northfield, Pembroke, Perry, Pleasant Point, Princeton, Robbinston, Roque Bluffs, Sakom Twp, Steuben, T18 MD BPP, T19 ED BPP, T19 MD BPP, T24 MD BPP, T25 MD BPP, T26 ED BPP, T30 MD BPP, T36 MD BPP, T37 MD BPP, T42 MD BPP, T43 MD BPP, T6 ND BPP, T6 R1 NBPP, Talmadge, Topsfield, Trescott Twp, Vanceboro, Waite, Washington County Island, Wesley, Whiting, and Whitneyville.

SECTION 2: DEFINITIONS.

1. Certificate. A document in which an inspector affirms that a specified regulated article is free of European larch canker and may be moved to any destination outside the area under quarantine.
2. Compliance Agreement. A written agreement between the State of Maine and a person engaged in growing, handling, receiving, or moving regulated articles in which the person agrees to comply with its specified provisions.
3. Inspector. Any employee of the Maine Department of Agriculture, Conservation, and Forestry or other person authorized by the commissioner to enforce this chapter.
4. Limited Permit. A document in which an inspector affirms that the regulated article identified on the document is eligible for movement in accordance with this chapter only to a specified destination and only in accordance with specified conditions.
5. Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.
6. Trip Ticket. A form used to identify the origin and destination of a truckload of wood in accordance with 10 M.R.S.A. Chapter 501, Subchapter II-A.

SECTION 3: RESTRICTIONS.

1. Movement within Quarantined Areas – Movement of a regulated article solely within the quarantined area is allowed without restriction.

2. Movement out of a Quarantined Area with Certificate – Regulated articles for which a certificate has been issued in accordance with this chapter may be moved out of a quarantined area provided the following conditions are met:
 - A. The regulated article originated in an area free of European larch canker based on an inspection of the site OR;
 - B. The regulated article has been grown, produced, stored, or handled so that the regulated article is free of European larch canker OR;
 - C. The regulated article has been inspected and found free of European larch canker.
3. Movement out of a Quarantined Area without a Certificate – Regulated articles for which no certificate has been issued in accordance with this chapter may be moved out of a quarantined area provided all of the following conditions are met:
 - A. The article originated outside the regulated area; AND
 - B. The point of origin is clearly indicated on shipping documents, and its identity is maintained; AND
 - C. The article is moved through a regulated area with minimal stops in an enclosed vehicle to prevent the introduction of European larch canker.
4. Movement to sites under Compliance Agreements - Regulated articles may be moved out of a quarantined area only if the regulated articles are moved to a specified destination under a compliance agreement for specified handling, processing, or utilization, and this movement will not result in the spread of the European larch canker. The destination and other conditions must be listed in the compliance agreement.
5. Transiting Quarantined Areas – Regulated articles which originate outside the quarantined area may transit through the quarantined area without a certificate or limited permit only if:
 - A. The regulated article is safeguarded in an enclosed vehicle; AND
 - B. The point of origin of the regulated article is specified on the waybill, invoice, or shipping document accompanying the shipment.
6. Transiting Non-Quarantined Areas – Regulated articles which move from a quarantined area to another quarantined area and which transit a non-quarantined area may do so under a limited permit or compliance agreement provided the

vehicle in which the regulated article is transported moves through the quarantined area without stopping, except for dropoff loads, refueling, or traffic conditions such as traffic lights or stop signs.

7. Other Federal or State Requirements - The regulated article moving under a certificate or limited permit must also be eligible for unrestricted movement under all other Federal and State quarantines applicable to the regulated article.

SECTION 4: ATTACHMENT AND DISPOSITION OF CERTIFICATES AND LIMITED PERMITS.

1. Attachment - A certificate or limited permit required for the movement of a regulated article must be attached to the outside of the container containing the regulated article or to the regulated article itself, if not in a container, at all times during the movement. The requirements of this section may also be met by attaching the certificate or limited permit to the consignee's copy of the waybill, invoice, or shipping document, provided the regulated article is sufficiently described on the certificate or limited permit and on the waybill, invoice, or shipping document, to identify it. For logs and pulpwood, the requirements of this section may also be met by a statement stamped on a trip ticket accompanying the shipment, which attests to the fact that the regulated articles in the shipment are being moved under a certificate or limited permit issued by the State of Maine and meets all the terms and conditions of this chapter. Stamps attesting to these requirements can only be affixed to a trip ticket by a person who has entered into a compliance agreement with the State of Maine.
2. Disposition - The certificate or limited permit for the movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

SECTION 5: VIOLATIONS

1. The Maine Department of Agriculture, Conservation and Forestry may cancel a written compliance agreement or limited permit based on a violation of, or non-compliance with, any of its terms or conditions or any other provision of this rule. If the person has been given notice of cancellation orally, written confirmation of the decision and the reasons for it will be provided within ten working days. The Department may reinstate written agreements if it finds that the reason(s) for cancellation has (have) been rectified.
 2. A person who violates this rule commits a civil violation punishable under 7 M.R.S.A. § 2303.
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STATUTORY AUTHORITY: 7 M.R.S.A. Chapter 409, Section 2301

EFFECTIVE DATE: January 2, 2010

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