

**Chapter 271: GYPSY MOTH QUARANTINE**

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**SUMMARY:** This chapter establishes a quarantine against the Gypsy Moth to prevent its movement from all counties except parts of Aroostook, ~~Franklin, Oxford, Penobscot~~, Piscataquis and Somerset Counties to other parts of the State, in order to protect Maine's forest and timber resources.

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**SECTION 1: GYPSY MOTH QUARANTINE**

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

1. **Pest.** Gypsy Moth (*Lymantria dispar* L.).
2. **Regulated articles**
  - A. Trees without roots, trees with roots and shrubs with roots and woody stems unless greenhouse grown year-round;
  - B. Logs, pulpwood and bark and bark products;
  - C. Mobile homes and associated equipment; and
  - D. 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 gypsy moth.
3. **Area Under Quarantine.** Androscoggin, Cumberland, ~~Franklin~~, Hancock, Kennebec, Knox, Lincoln, ~~Oxford, Penobscot~~, Sagadahoc, Waldo, Washington and York Counties and parts of Aroostook, ~~Franklin, Oxford, Penobscot~~, Piscataquis and Somerset Counties as indicated in the Maine Forest Service "Gypsy Moth Quarantine in Maine – ~~2010-2019~~ List of Towns and Counties."

**SECTION 2: DEFINITIONS**

1. **Certificate.** A document in which an inspector affirms that a specified regulated article is free of gypsy moth 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 ~~Division of Plant Industry, Maine Forest Service, Maine Department of Agriculture,~~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 non-infested premises and has not been exposed to gypsy moth while in this area; OR
  - B. The regulated article was inspected no more than 5 days prior to movement during the months of April through August and 14 days prior to movement from September through March; OR
  - C. The regulated article has been treated in accordance with the USDA-APHIS treatment manual ~~47~~<sup>17</sup>CFR Chapter III part 305; OR
  - D. The regulated article has been grown, produced, manufactured, stored or handled so that no infestation would be transmitted.
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 the article is moved by the ~~Maine Department of Agriculture or the Maine Forest Service~~Maine Department of Agriculture, Conservation and Forestry for experimental or scientific purposes.
4. **Movement under a Compliance Agreement** - Regulated articles may be moved out of a quarantined area if the regulated article is to be moved under a compliance agreement for specified handling, processing, or utilization and this movement will not result in the spread of the gypsy moth. 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 or with adequate covering against infestation during the months of April through August; AND
  - B. The point of origin of the regulated article is specified on the waybill, invoice, or shipping document that accompanies 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 drop-off loads, refueling, or traffic conditions such as traffic lights or stop signs.
7. **Other Federal or State Requirements** - The regulated article moving under 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, 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.

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STATUTORY AUTHORITY: 7 M.R.S.A. Chapter 409, Section 2301

EFFECTIVE DATE:

January 2, 2010 – filing 2009-707

CORRECTIONS:

February, 2014 – agency names, formatting