

**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**

**DIVISION OF ANIMAL & PLANT HEALTH**

**Chapter 266: HEMLOCK WOOLLY ADELGID QUARANTINE**

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**SUMMARY:** This chapter establishes a quarantine against the Hemlock Woolly Adelgid to prevent its artificial spread in the State and to protect Maine's forest, timber, and wildlife resources from this destructive pest.

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**Section 1: HEMLOCK WOOLLY ADELGID QUARANTINE**

1. **Pest.** A quarantine is established against Hemlock Woolly Adelgid (*Adelges tsugae* Annand) and possible carriers.
2. **Regulated articles:** Plants and plant products of hemlock (*Tsuga* spp.) listed below:
  - A. Rooted plants (seedlings & nursery stock);
  - B. Hemlock branches;
  - C. Hemlock needles;
  - D. Chips with top material (branches and/or needles); and
  - E. Uncomposted bark with top material (branches and/or needles).
3. **Area Under Quarantine**
  - A. In Maine, in:
    - a. The entire counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York;
    - b. Portions of Franklin County including the Minor Civil Divisions of Carthage, Chesterville, Farmington, Jay, New Sharon, and Wilton;
    - c. Portions of Hancock County including the Minor Civil Divisions of Amherst, Aurora, Bar Harbor, Blue Hill, Brooklin, Brooksville, Bucksport, Castine, Cranberry Isles, Dedham, Deer Isle, Eastbrook, Ellsworth, Fletchers Landing Twp, Franklin, Frenchboro, Gouldsboro, Hancock, Hancock County Island, Lamoine, Mariaville, Mount Desert, Orland, Osborn, Otis, Penobscot, Sedgwick, Sorrento, Southwest Harbor, Stonington, Sullivan, Surry, Swans Island, T10 SD BPP, T16 MD BPP, T22 MD BPP, T28 MD BPP, T7 SD BPP, T9 SD BPP, Tremont, Trenton, Verona Island, Waltham, and Winter Harbor;

- d. Portions of Oxford County including the Minor Civil Divisions of Albany Twp, Batchelders Grant Twp, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Gilead, Greenwood, Hanover, Hartford, Hebron, Hiram, Lovell, Mason Twp, Mexico, Milton Twp, Norway, Otisfield, Oxford, Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, West Paris, and Woodstock;
- e. Portions of Penobscot County including the Minor Civil Divisions of Bangor, Brewer, Carmel, Clifton, Dixmont, Eddington, Etna, Hampden, Hermon, Holden, Newburgh, Newport, Orrington, Plymouth, and Veazie; and
- f. Portions of Somerset County including the Minor Civil Divisions of Canaan, Detroit, Fairfield, Mercer, Norridgewock, Palmyra, Pittsfield, Skowhegan, and Smithfield;

Sub County designation is based on a standardized annual survey of all towns adjacent to the regulated area.

- B. In the eastern United States outside of Maine, counties included in the USDA Forest Service's (USDA-FS) distribution maps found on the USDA-FS website or on a list maintained by the Department.
- C. In the western United States and Canada, the State of Alaska, the State of California, the State of Oregon, the State of Washington, and the Provinces of British Columbia and Nova Scotia.

## **Section 2. RESTRICTIONS FROM QUARANTINE AREAS**

All regulated articles having originated or previously been held in an area under quarantine are prohibited entry into non-quarantined areas in the State of Maine except as specifically allowed and conditioned below.

1. Rooted hemlock plants originating from or having previously been held in an area under quarantine are prohibited entry into non-quarantined areas in the State of Maine unless treated by a method approved by the State Plant Regulatory Official.
2. Rooted hemlock plants which have been transported through an area under quarantine are prohibited entry into non-quarantined areas in the State of Maine except in accordance with the following conditions:
  - A. The vehicle transporting the regulated articles must be enclosed by a covering adequate to prevent the introduction of Hemlock Woolly Adelgid (such as canvas, plastic, or closely woven cloth) or must be in an enclosed trailer body;
  - B. The regulated articles were not offloaded in the area under quarantine; and
  - C. No regulated articles were added to the shipment in the quarantined area.
3. Hemlock chips with top material and uncomposted bark with top material from quarantined areas may be imported into non-quarantined areas in the State of Maine

provided that said material is shipped only to sites within Maine that the Maine Forest Service, Department of Agriculture, Conservation & Forestry preapprove. Such sites must have a compliance agreement with the Maine Forest Service.

**Section 3. RESTRICTIONS FROM NON-QUARANTINED AREAS**

1. Rooted hemlock plants from nonquarantined areas shipped into nonquarantined areas in Maine must be accompanied by a State Phytosanitary Certificate, or a Certificate of Origin, signed by a plant regulatory official in the originating state, indicating the number and type of regulated articles, and attesting to the fact that the regulated articles:
  - A. Originated from a nonquarantined area;
  - B. Have not been held in an area under quarantine; and
  - C. Have not been exposed to regulated articles from quarantined areas.

**Section 4. VIOLATIONS**

1. Any written agreement to ship or receive roundwood with bark, uncomposted bark, and chips with bark from quarantined to preapproved sites in Maine may be canceled by the Maine Forest Service if the person who entered into it fails to comply with the provisions 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 Maine Forest Service 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 §§ 2301-2303

EFFECTIVE DATE:  
October 1, 1988

AMENDED:  
January 10, 2001  
August 5, 2007 – filing 2007-317  
September 25, 2013 – filing 2013-223  
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