

Summary of Comments for Chapter 273

**Except where indicated, the Department did not change the rule in response to these comments.**

Name	Summary of Comments	Response
Lorraine Aronson, Bernard Dale Pierson, Biddeford Henry Linnert, Brunswick Susan Sterling, Falmouth Sarah Haggerty, Freeport Louisa Dunlap, Belfast Brigid Smith-Franey, South Portland Kathleen A. Claerr, Bowdoin Bethany McNaughton, Freeport Jake Pierson for MELNA, Biddeford Barbara Freeman, Falmouth Carol Freshley, Brunswick Carol Yee, Swanville Tomas N. Bjorkman, Blue Hill Liz Stanley, Warren Ike Johnson, Warren Rebecca Goldfine, Brunswick Kelly Corbin, S Portland Gail Witherill, Cumberland Valencia Libby, Blue Hill Marcia Taylor, Portland Amanda Lightcap, Alna Kruger1@roadrunner.com Greg Moser, Portland Jennifer Rowland, Portland Lawrence Fischman, Brunswick	<ul style="list-style-type: none"> <li>Support adoption of the rule as is.</li> </ul>	<ul style="list-style-type: none"> <li>DACF appreciates the support, will plan to adopt the rule with minimal amendments.</li> </ul>

Susan & Victor Borko, Rangeley Monique Crochet, Portland Maureen Hyslop, Portland Marilyn B Smith, Hermon Nicole Barnes, Gray Carolyn Bennatti, Orland Pat Robinson, S Berwick Jeffrey Bills, Portland Marcye Gray, Norway Kitty Murray, Cumberland Center Persis Hope, Waterville Sally Nelson, Portland Ann Adams, Portland David Littell, S Portland Maureen Johnson, Wells Jamien Jacobs, S Portland Susan Kepner, York Nancy Artz, Cumberland Sue Keefer & Steve Norris, Emily & Chris Stauffer, Wells Susan Paris, S Portland Sylvia Bailey, N Anson Dawn Cates, Vassalboro Ana Dana, S Portland Stephen Underwood, Scarborough David & Mary Ahlgren, Bremen Jeanie Barnard, Yarmouth Bruce Cole, Hampden Cynthia Barnard, Yarmouth Sally Williams, Hiram Heather Dilbeck, Freeport Karen Holmes, Cooper		
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<p>Priscilla Stevens, E Winthrop Elizabeth Hill, Brooksville Kermit Smyth, Brunswick Frank Daggett, Harrison Bruce Stone, Portland Phil Provost, Exeter Janet Williams, Searsport Roger Rittmaster, Camden Heather McCargo, Blue Hill Richard Brooks, Phillips Medea Steinman, Franklin Ruthann Sitter, Penobscot Leslie Hudson, Orono Alfred Padula, Portland Priscilla Seimer, Harpswell Kevin &amp; Patty McKeon, Springvale Lee Leonard, Blue Hill Marion Freeman, Freeport Arthur Allen, Brewer Orrin Shane, Portland Walter Elery Keene, Winslow Nicole Lawton, Blue Hill Brenda Franey, S Portland Lynn Spann Bowditch, Kittery Linda Shane, Portland Alicia Heyburn, Brunswick Greg Dorsey, S Portland Roberta Tucker, Brunswick Bonnie Wood, Presque Isle Jean Berman, Peaks Island William McCullough, Brunswick Nathaniel Wheelwright, Brunswick</p>		
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<p>William &amp; Nancy Hanger, Waterford Gregg Raymond, S Portland Ann Weber, Freeport Helen Warren, Litchfield Phyllis Dunitz, Portland Sandra Wachholz, Portland Trevor Persons, Norridgewock Katherine Greenman, Orland Francesca Steele, Portland Helen Koch, Bernard Cynthia Kuhn, Holden Jane Schroeder, Rockport Rachel Rioux, Arundel John Prentiss, Dedham Judy Blake, Bar Harbor Merrie Eley, Blue Hill Donald Tucker, N Berwick Stanley Rusk, Edward Caswell, Topsham Tony Owens, Cape Elizabeth Barbara Lawrence, Camden Brooke O’Harra, Portland Renee Howard, Scarborough Ruth Hartman, Harpswell Susan Strommer, Old Orchard Beach Thomas Urquhart, Falmouth Sarah Walpow, Brunswick Jake Maier, Orland Jo D. Saffair, Pownal Barbara Keilson, Scarborough Michael Cain, Brunswick David Morton, Cape</p>		
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<p>Elizabeth Gail Worster, Gray Phil Coupe, Cape Elizabeth Ann &amp; James Hancock, Scarborough</p>		
<p>Jim Dickinson, Surry</p>	<ul style="list-style-type: none"> <li>• Would like to exclude certain cultivars of Burning Bush <i>Euonymous alatus 'Compacta'</i>, Berberis 'T. Koreana' and dark red leaved Norway Maples <i>Acer platanoides</i> and asked for additional research to determine if there are sterile cultivars.</li> <li>• Suggested that marijuana be on the list instead.</li> <li>• Objects to Rugosa Rose being on the list since they do not spread.</li> <li>• <i>Paulownia</i> is not bud hardy so does not flower or set seed.</li> <li>• Why wasn't <i>Daucus carota</i> listed?</li> </ul>	<ul style="list-style-type: none"> <li>• Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process.</li> <li>• There is no evidence that marijuana is an invasive plant.</li> <li>• Rugosa Rose is not on the list.</li> <li>• Paulownia is listed as potentially invasive in anticipation that it could become a problem in the future, especially considering climate change.</li> <li>• <i>Daucus carota</i> (as <i>Queen Anne's Lace</i>) is not sold by nurseries so was not considered for listing. <i>Daucus carota</i> subsp. <i>Sativus</i> is actually the common garden carrot so we could not ban its sale.</li> <li>• The plants included on the list were ones that were determined by the working group as plants that are either sold in the nursery trade or common known hitchhikers. Section VII requires review of the species on the plant list every 5 years and allows for petitioning the Department to consider additional species. An invasive plant nomination form has been developed and is available on our website <a href="http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml">http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml</a></li> </ul>

Jeffrey O'Donal, O'Donal's Nursery LLC Gorham

- Asked for a formal review to consider continued sales of *Euonymus alatus* 'Rudy Haag'. Presented multiple media supporting his assertion that the Rudy Haag cultivar is nearly seedless and/or sterile.
- Publications submitted:
  - Top O' the Bay; SFGate Newsletter
  - *Euonymus alatus* 'Rudy Haag'; Field Nursey
  - Burning Bush: fall foliage for cutting; Transatlanticplantsman.com
  - Burning Bush Lights Up the Landscape; Cotton, Harvey, Huntsville Botanical Gardens
  - Email correspondence between Jeffrey O'Donal and Dr. Mark Brand and continued thread with Gary Fish
  - Email correspondence between Dr. Paul Cappiello and Jeffrey O'Donal
  - Email correspondence from Marlin Brethower, Baily Nurseries
  - Email correspondence from Lynda Stenlund, Bailey Nurseries
  - PowerPoint presentation from Mark Renz and Laura
- Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process.

	<p>Jull, University of Wisconsin</p> <ul style="list-style-type: none"> <li>○ HortScience 47(8):1029 – 1033. 2012 Fecundity of Winged Euonymous Cultivars and Their Ability to Invade Various Natural Environments, Mark Brand, Jessica Lubell and Jonathan Lehrer, University of Connecticut</li> <li>○ Bioscience October 2011/Volume 61 No. 10, Will the use of Less Fecund Cultivars Reduce the Invasiveness of Perennial Plants?, Tiffany Knight, Kayri Havens and Pati Vitt, University of Washington</li> <li>○ American Society for Horticultural Science, Monday, July 27, 2009. CH Finneseth, Robert Geneve and Winston Dunwell, Article on <i>Euonymous alatus</i> cultivars</li> </ul>	
<p>Jeffrey O'Donal, O'Donal's Nursery LLC Gorham</p>	<ul style="list-style-type: none"> <li>● Asked for an extension of the phase in period from 1 – 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>● The process to develop the list was well publicized to nurseries and garden centers and took five years to complete.</li> <li>● Only three nursery professionals asked for an extension of the phase-in period while the Maine Landscape and Nursery Association supported the one year phase-in</li> <li>● The majority of nursery professionals (1200 nursery businesses that were silent) supported the one year phase-in and the bulk of the comments supported the rule as written.</li> <li>● Six other specific comments supported the one year phase-in period.</li> <li>● Therefore we do not see any justification to extend the phase-</li> </ul>

		in period.
Ann & James Hancock, Scarborough	<ul style="list-style-type: none"> <li>• Invasive plants pose a clear and insidious danger to native birds and other wildlife</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees those are some of the reasons the rule was proposed.</li> </ul>
Mark Brand, University of Connecticut, Storrs, CT	<ul style="list-style-type: none"> <li>• Stands behind a study he and his associates did on <i>Euonymus alatus</i> cultivars, including ‘Rudy Haag’, ‘Odom’ Little Moses, ‘Compactus’ and seven other genotypes. All produced viable seeds. Was confident that they had ‘Rudy Haag’ plants but did not do genetic testing so could not rule out that the plants may have been mislabeled</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates his comments and agree that it is very difficult to develop a truly “sterile” plant.</li> </ul>
Thomas Abello, The Nature Conservancy, Brunswick	<ul style="list-style-type: none"> <li>• Strongly support the amendments and plant list.</li> <li>• Some plants become so widespread they alter the forest floor and prevent native trees from regenerating. Feel the stakeholder group was diverse and fair.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates this comment and agrees that this is one of the major reasons to promulgate the rules.</li> </ul>
Greg Martin, Acton	<ul style="list-style-type: none"> <li>• Would like to remove Autumn Olive and Black Locust from the proposed list. Both are highly naturalized and both can be highly beneficial.</li> <li>• Black Locust is a replacement for pressure treated lumber.</li> <li>• Autumn Olive produces healthy berries that make very nutritious</li> </ul>	<ul style="list-style-type: none"> <li>• Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process.</li> </ul>

	<p>fruit leather. It is also very productive with little or no fertilizer or pest control.</p> <ul style="list-style-type: none"> <li>• Climate change will make Black Locust a native in Maine soon anyway.</li> </ul>	
Jack Kertesz, Maine Tree Crop Alliance, Unity	<ul style="list-style-type: none"> <li>• Would like to remove Black Locust from the list. Thinks there are as many supporters as there are those against it. Very useful species for wood products.</li> </ul>	<ul style="list-style-type: none"> <li>• Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process.</li> </ul>
Mark Faunce, Limington	<ul style="list-style-type: none"> <li>• Rule will create unnecessary financial harm to nurseries and garden centers in some parts of the state. Some of the listed plants will not become invasive in plant hardiness zones 3 and 4.</li> <li>• Need to consider Maine’s diverse climate.</li> <li>• Need to clarify the language that allows exemptions for potentially sterile cultivars.</li> <li>• Need to allow a 3 year phase in period to give nurseries time to sell off plants they have already started to grow.</li> <li>• Need to eradicate plants that are already causing habitat destruction or else the rule is useless.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF does not believe northern nurseries rely on these invasive plants. Many non-invasive plant alternatives (both native and non-native) are available that will grow in Zones 3 and 4.</li> <li>• If different zones are allowed to sell different plants it will create an enforcement problem and Southern Maine landscapers may order plants from Northern Maine nurseries. We do not see that scenario as workable or fair to Southern Maine nurseries.</li> <li>• Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process. DACF does not see any justification for weakening this subsection.</li> <li>• Other states have allowed a 2 – 4 year phase-in period, but Maine is the last state in the area to enact the ban.</li> <li>• The process to develop the list was well publicized to nurseries and garden centers and took 5 years to complete.</li> <li>• Therefore we do not see any justification to extend the phase-in period.</li> </ul>
Judy Stone, Colby College, Waterville	<ul style="list-style-type: none"> <li>• Fully supports the rule and feels it was developed by a model process.</li> <li>• Would be okay with an extension of the phase in period to 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• Other states have allowed a 2 – 4 year phase-in period, but Maine is the last state in the area to enact the ban.</li> <li>• The process to develop the list was well publicized to nurseries</li> </ul>

	<ul style="list-style-type: none"> <li>• Making the list specific to hardiness zones would be prohibitively difficult to develop and enforce.</li> <li>• Does not support amending the rule to allow for direct observation as evidence enough to de-list a species or cultivar.</li> </ul>	<p>and garden centers and took 5 years to complete.</p> <ul style="list-style-type: none"> <li>• Therefore we do not see any justification to extend the phase-in period.</li> <li>• DACF agrees that making lists specific to hardiness zones is too difficult to enforce.</li> <li>• DACF agrees that direct observation is not enough evidence to exempt a species or cultivar.</li> </ul>
Nancy Olmstead, Maine Natural Areas Program, Augusta	<ul style="list-style-type: none"> <li>• In full support of the proposed amendments.</li> <li>• Do not support extending the phase out period to three years but would be okay with two years.</li> <li>• Support using peer review scientific evidence to exempt certain plants and sees evidence submitted by resource professionals and/or nursery professionals as useful but not as a substitute for peer review science.</li> <li>• Adjusting the rule for hardiness zones is too difficult and expensive to enforce, especially since the idea that these plants are no threat to colder regions of the state is doubtful. Many have been documented on iMapInvasives in all regions of the state.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• Other states have allowed a 2 – 4 year phase-in period, but Maine is the last state in the area to enact the ban.</li> <li>• The process to develop the list was well publicized to nurseries and garden centers and took 5 years to complete.</li> <li>• Therefore we do not see any justification to extend the phase-in period.</li> <li>• DACF agrees that peer reviewed science is needed to exempt species or cultivars and would not object to submissions of observations by resource professionals or nursery professionals.</li> <li>• DACF agrees that it is too difficult to enforce varied lists for different hardiness zones.</li> </ul>
Laura Minich Zitske, Maine Audubon, Falmouth	<ul style="list-style-type: none"> <li>• List is long overdue and they are in full support.</li> <li>• Burning Bush and Norway Maple are currently for sale in Maine and quickly take over natural areas.</li> <li>• Neighboring states have already taken action.</li> <li>• There are many native</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• DACF agrees that Burning Bush and Norway Maples are currently offered for sale by Maine nurseries.</li> <li>• DACF agrees that we need to come in line with neighboring states.</li> <li>• DACF agrees that there are sufficient native alternatives already on the market.</li> </ul>

	replacements available.	
Rodney Kelshaw, Maine Association of Wetland Scientists, Bangor	<ul style="list-style-type: none"> <li>• Support the proposed rule.</li> <li>• Feel other plants also meet the criteria as invasive, including: <i>Phragmites australis</i>, <i>Cynanchum louiseae</i> and <i>Rhamnus catartica</i>.</li> <li>• Do not know if any of those plants are regularly sold by nurseries.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• A form has already been developed to allow individuals to nominate new plants for inclusion on the regulated list.</li> <li>• None of the suggested plants are commonly sold in the nursery trade however they may be horticultural hitchhikers.</li> <li>• The plants included on the list were ones that were determined by the working group as plants that are either sold in the nursery trade or common known hitchhikers. Section VII requires review of the species on the plant list every 5 years and allows for petitioning the Department to consider additional species. An invasive plant nomination form has been developed and is available on our website <a href="http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml">http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml</a></li> </ul>
William and Nancy Hanger, Waterford	<ul style="list-style-type: none"> <li>• Invasive plants cost millions to remove and the battle takes years.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees and that is part of the basis for the rule.</li> </ul>
Sarah Wolpow, Brunswick	<ul style="list-style-type: none"> <li>• Does not support extending the rule phase-in period.</li> <li>• Believes all “sterile” cultivars eventually become productive and produce seeds which make them risky for the future.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that the rule phase-in period should not be extended.</li> <li>• There is evidence in multiple studies that once thought to be sterile cultivars of some species become productive once introduced into the environment and they are allowed to cross pollinate with other varieties.</li> </ul>
Jean Noon, Three Rivers Land Trust, Alfred	<ul style="list-style-type: none"> <li>• Support the adoption of the rule.</li> <li>• Land Trusts bear much of the burden of controlling invasive plants</li> <li>• Diminish habitats and harbor deer ticks that pose a public health threat.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• DACF recognizes that land Trusts have huge invasive plant challenges.</li> <li>• DACF has seen the peer reviewed science that shows an increase in ticks in habitats dominated by Japanese Barberry, Honeysuckles and Buckthorns.</li> </ul>

Lee Leonard, Blue Hill	<ul style="list-style-type: none"> <li>• Invasive species increase costs for farmers and foresters.</li> <li>• Diminish recreational opportunities.</li> <li>• Reduce wildlife habitat value and abundance.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that invasive plants are a financial burden.</li> <li>• DACF agrees that invasive plants block trails and make recreation difficult.</li> <li>• DACF agrees that there is evidence that invasive plants disrupt wildlife habitats.</li> </ul>
Brenda Franey, S Portland	<ul style="list-style-type: none"> <li>• Need to educate residents about invasive plants and the serious impacts the plants can have on agriculture and natural ecosystems.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF hopes to develop educational materials for nurseries, garden centers, homeowners, growers and other audiences. Fact sheets are already available on the DACF Maine Natural Areas Program website.</li> </ul>
Angela Twitchell, Brunswick-Topsham Land Trust, Brunswick	<ul style="list-style-type: none"> <li>• Support the proposed rules.</li> <li>• 40 of the 47 properties they manage are infested with invasive plants.</li> <li>• Encouraged us to hold firm on the one year phase-in period.</li> <li>• Proceed very cautiously regarding variances for cultivars. Many may be incorrectly identified as sterile and people will not know the difference.</li> <li>• Do not consider applying different standards to different parts of the state. That will undermine the effectiveness of enforcement and messaging.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• Invasive plants are well established in southern Maine.</li> <li>• DACF agrees that the phase-in period should not be increased.</li> <li>• DACF agrees that exemptions for cultivars or varieties should require a very high threshold of evidence.</li> <li>• DACF agrees that the rule must be consistent across the entire state.</li> </ul>
Ward Feurt & Kate O'Brien, Rachel Carson National Wildlife Refuge, Wells	<ul style="list-style-type: none"> <li>• Support the amended rule.</li> <li>• Would like to add the following plants: <ul style="list-style-type: none"> <li>○ <i>Lepidium latifolium</i></li> <li>○ <i>Cyanchum loiseae</i></li> <li>○ <i>Cyanchum rossicum</i></li> <li>○ <i>Phragmites australis</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• The plants included on the list were ones that were determined by the working group as plants that are either sold in the nursery trade or common known hitchhikers. Section VII requires review of the species on the plant list every 5 years and allows for petitioning the Department to consider additional species. An invasive plant nomination form has been developed and is available on our website</li> </ul>

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David & Mary Ahlgren, Bremen	<ul style="list-style-type: none"> <li>• Need to publish a list of nurseries and garden shops that sell native species as alternatives.</li> </ul>	<ul style="list-style-type: none"> <li>• A list has already been published and is available on the DACF website.</li> </ul>
Marilyn Smith, Hermon	<ul style="list-style-type: none"> <li>• Need to educate salespeople and the general public on invasive plants and the alternative native plants.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF hopes to develop educational materials for nurseries, garden centers, homeowners, growers and other audiences. Fact sheets are already available on the DACF Maine Natural Areas Program website.</li> </ul>
Ann Thayer, Yarmouth	<ul style="list-style-type: none"> <li>• Wording is too open-ended if we are trying to only regulate commercial establishments.</li> <li>• Need to define propagation. Suggested “deliberately propagate”.</li> <li>• False Indigo as a common name is misleading as it is too close to <i>Baptisia australis</i> and suggests using Indigo Bush or False Indigo Bush for <i>Amorpha fruticosa</i> to more easily differentiate it from <i>Baptisia</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that “propagate” needs to be further defined in the rule to include only “intentional” or “deliberate” propagation or only propagation for sale or distribution.</li> <li>• DACF will change the common name for <i>Amorpha fruticosa</i> to False Indigo Bush which is the common name used by the USDA.</li> </ul>
Emily & Chris Stauffer, Wells	<ul style="list-style-type: none"> <li>• Should have a provision for better soil hygiene so invasive plants are not spread along roadsides or other places where fill is brought in.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees there is a need for education on soil hygiene but cannot justify adding provisions that go beyond regulating sale or distribution of these plants at this time.</li> </ul>

<p>Amanda Devine, Maine Coast Heritage Trust, Topsham, Doreen MacGillis, York Land Trust, York, Chris Devine, Rangeley Lakes Heritage Trust, Oquossoc, Reed Coles, Harpswell Heritage Land Trust, Harpswell, Theresa Kerchner, Kennebec Land Trust, Winthrop, Daniel Ungier, Medomak Valley Land Trust, Waldoboro, Bradley Babson, Brunswick-Topsham Land Trust, Brunswick, Bucky Owen, Orono, Land Trust, Orono, Jack Gibson, Somerset Woods, Skowhegan, Lucy Quimby, Bangor Land Trust, Bangor, Simon Rucker, Maine Appalachian Trail Land Trust, Portland, Jessica Burton, Southern Maine Conservation Collaborative, Portland, Aaron Dority, Frenchman Bay Conservancy, Hancock, Chriatine Bennett, Kittery Land Trust, Kittery, Jennifer Hicks, Pemaquid Watershed Association, Damariscotta, Penny Asherman, Chebeague and Cumberland Land Trust, Cumberland, Anna Richard, Woodie</p>	<ul style="list-style-type: none"> <li>• Support the rule.</li> <li>• Land Trusts bear much of the burden for controlling invasive plants.</li> <li>• Invasive plants pose a public health threat by harboring ticks that cause Lyme disease.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• DACF agrees that Land Trusts have serious problems with these invasive plants.</li> <li>• DACF has seen the peer reviewed science that shows an increase in ticks in habitats dominated by Japanese Barberry, Honeysuckles and Buckthorns.</li> </ul>
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<p>Wheaton Land Trust, Forest City, Lee Dassler, Western Foothills Land trust, Norway, Garrison Beck, Midcoast Conservancy, Wiscasset, Tom Bradbury, Kennebunkport Conservation Trust, Kennebunkport, Cheri Domina, Great Pond Mountain Conservation Trust, Bucksport</p>		
<p>Nancy Lightbody, Falmouth Conservation Commission, Falmouth</p>	<ul style="list-style-type: none"> <li>• Agree with the proposed amendments to Chapter 273.</li> <li>• Affect forest regeneration, threaten recreational experiences, and reduce value of habitats for mammals, birds and pollinators.</li> <li>• Second greatest threat to global biodiversity after loss of habitat.</li> <li>• Do not agree with adjusting the list to climate zones.</li> <li>• Urge development of education and outreach programs.</li> <li>• New law will help curtail the spread of invasive terrestrial plants in the disturbed soil of new subdivisions and other building projects.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciated the support.</li> <li>• DACF agrees that these plants are a problem in natural ecosystems.</li> <li>• DACF agrees that the rule should not be tailored to plant hardiness zones.</li> <li>• DACF hopes to develop educational materials for nurseries, garden centers, homeowners, growers and other audiences. Fact sheets are already available on the DACF Maine Natural Areas Program website.</li> <li>• DACF agrees that the rule should slow the spread of these invasive plants.</li> </ul>
<p>Greg Moser, Portland</p>	<ul style="list-style-type: none"> <li>• Maine is way behind many other states in establishing a list.</li> <li>• Needs to be a strong control effort once they are listed.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that we have been cautious and taken our time to propose this rule.</li> <li>• DACF does not have the resources to do a strong control effort. Maine Natural Areas Program is actively pursuing invasive plant control in high value habitats.</li> </ul>

<p>Robert Bittenbender, Windham</p>	<ul style="list-style-type: none"> <li>• Supports the “bill”.</li> <li>• Invasives push out native species which are key to our unique Maine habitat.</li> <li>• Japanese barberry harbors ticks that carry Lyme disease.</li> <li>• Fruits of invasive plants do not provide good food to birds.</li> <li>• Reduce diversity of native plants.</li> <li>• Norway Maple shades out competition.</li> <li>• No insects to keep them in check.</li> <li>• Reduce abundance of native insects that provide food for migratory birds.</li> <li>• Will change the ecosystem so drastically that Maine as we know it could disappear.</li> <li>• Maine is far behind the other New England States we can wait no longer to enact the rule.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• DACF agrees that these invasive plants exclude native plants.</li> <li>• DACF has seen the peer reviewed science that shows an increase in ticks in habitats dominated by Japanese Barberry, Honeysuckles and Buckthorns.</li> <li>• DACF has seen peer reviewed science that indicates the fruits from many invasive plants are less nutritious than native fruits.</li> <li>• DACF agrees that Norway Maple is a very dominant tree.</li> <li>• DACF agrees that invasive plants thrive partially because of the lack of grazers and insect or disease competition.</li> <li>• DACF agrees that invasive plants do not harbor as many caterpillars that are important food sources for migratory birds.</li> <li>• DACF agrees that invasive plants do alter the ecosystem drastically in some cases.</li> <li>• DACF agrees that we have been cautious and taken our time to propose this rule.</li> </ul>
<p>Tom Doak, Small Woodland Owners Association of Maine, Augusta</p>	<ul style="list-style-type: none"> <li>• Should be a clear definition of propagate. We suspect that the term is meant to apply to situations where a plant is grown intentionally for sale and we support its use in that context.</li> <li>• These plants can be found in natural settings, and sometimes, largely unknowingly, landowners may take action which actually "propagates" them.</li> <li>• The rule should be clear that landowners are not in violation of the rule if their management</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that “propagate” needs to be further defined in the rule to include only “intentional” or “deliberate” propagation or only propagation for sale or distribution.</li> <li>• DACF will clarify this section of the rule.</li> </ul>

	<p>results in propagation or spread of a plant on the list. (Though we do not condone actions that lead to the spread or propagation).</p> <ul style="list-style-type: none"> <li>• One way of editing the draft rule would be: <ul style="list-style-type: none"> <li>○ IV. Prohibitions and restrictions. No person shall import, export, buy, sell, or propagate for sale or distribution any living and viable portion of any plant species, which includes all of their cultivars, varieties and hybrids, listed in Section III as invasive, likely invasive or potentially invasive.</li> </ul> </li> <li>• Support any language that makes this clarification.</li> </ul>	
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**Hearing Comments**

<p>Laura Minich Zitske, Maine Audubon, Falmouth</p>	<ul style="list-style-type: none"> <li>• List is long overdue and they are in full support.</li> <li>• Burning Bush and Norway Maple are currently for sale in Maine and quickly take over natural areas.</li> <li>• Neighboring states have already taken action.</li> <li>• There are many native replacements available.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that we have been cautious and taken our time to propose this rule and DACF appreciates the support.</li> <li>• DACF agrees that Norway Maple and Burning Bush can be found for sale in Maine and that they are aggressive invasive plants.</li> <li>• DACF has published a listing of native plant alternatives.</li> </ul>
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<p>Robert Bittenbender, Gorham</p>	<ul style="list-style-type: none"> <li>• Found the following plants spreading in Portland parks and suggest they be considered for addition to the list: <ul style="list-style-type: none"> <li>○ <i>Syringa reticulata</i></li> <li>○ Littleleaf Linden</li> <li>○ European Mountain Ash</li> <li>○ Capitata Yew</li> <li>○ Rugosa Rose</li> <li>○ Amur maple</li> <li>○ Sycamore maple</li> <li>○ Callery Pear</li> <li>○ Tallhedge Buckthorn</li> </ul> </li> <li>• Mentioned that <i>Euonymus alata</i> 'Rudy Haag' is a good plant.</li> <li>• Suggested outreach on replacement native plants.</li> </ul>	<ul style="list-style-type: none"> <li>• The plants included on the list were ones that were determined by the working group as plants that are either sold in the nursery trade or common known hitchhikers. Section VII requires review of the species on the plant list every 5 years and allows for petitioning the Department to consider additional species. An invasive plant nomination form has been developed and is available on our website <a href="http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml">http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml</a></li> <li>• 'Rudy Haag' will have to be reviewed by the Invasive Plants Committee.</li> <li>• DACF has published a listings of non-invasive (both native and non-native) plant alternatives and will also develop more outreach materials.</li> </ul>
<p>Amanda Devine, Maine Coast Heritage Trust, Topsham</p>	<ul style="list-style-type: none"> <li>• Recreational impacts are big problem. Bittersweet vines engulf trails.</li> <li>• Need to think about climate change and species range shifts.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that trails are often affected by invasive plants.</li> <li>• DACF agrees that climate change may increase the threat from invasive species and has incorporated a regular 5 year review into the rule.</li> </ul>
<p>Judy Stone, Waterville</p>	<ul style="list-style-type: none"> <li>• Alarming trend in the increase of invasive species in the forest.</li> <li>• Needs to be implemented right away.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF agrees that forest habitats are commonly infested.</li> <li>• DACF agrees that the phase-in period should not be extended.</li> </ul>
<p>Toni Pied, Belgrade Regional Conservation Alliance, Rome</p>	<ul style="list-style-type: none"> <li>• Supports the rule.</li> <li>• Bittersweet is a huge problem on their land where they are trying to build an education center.</li> <li>• Wanted to know how to suggest additional plants in the future.</li> </ul>	<ul style="list-style-type: none"> <li>• DACF appreciates the support.</li> <li>• DACF has seen that infestation and it is serious.</li> <li>• A form has already been developed to allow individuals to nominate new plants for inclusion on the regulated list.</li> </ul>

Jeffrey O'Donal, O'Donal's Nurseries, Gorham

- Proponent of the general rule.
- Can the wording be changed to make clear the difference between a colonizing plant and an invasive plant (colonizing plants (like rugosa rose) spread locally, but don't escape into native lands).
- Would like the definition of "Species" in Section I(J) and the variance in Section VI(C) to include not just scientific evaluation but observation by a qualified professional or "industry observation".
- Cited example of *Euonymus alatus* 'Rudy Haag' and how he believes the scientific study from University of Connecticut that found Rudy Haag to produce an abundance of seed is flawed and that their source for the plants was unreliable since 40% of the stock he got from the same supplier was NOT Rudy Haag. He says the hypothesis that Rudy Haag produces more seeds in colder climates is wrong since his have only produced four seeds and none have been viable.
- He cited four other studies that found Rudy Haag to not produce seed or very little seed: U of Kentucky 12 or less seeds and none germinated, U of California characterized Rudy Haag as a low growing nearly seedless plant that cannot self-sow, U of Missouri
- DACF appreciates the support.
- Rugosa rose was not listed and the criteria are clear that a plant must do more than just colonize an area; it must be able to disperse over spatial gaps.
- The process of scientific evaluation could include observations from resource professionals or industry professionals as could the evaluation of a plant for exemption from the list. However DACF believes the bar should be very high for exempting a species or any of its cultivars or varieties and the decision should be based on more than just observation.
- Section III (VI) allows for exemption of varieties, cultivars, etc. when there is peer reviewed scientific research that justifies the exemption. A form will be developed to allow for the petitioning process.
- Paulownia is listed as a potentially invasive plant because it has demonstrated to be invasive in nearby states with similar climates.
- DACF believes there has been adequate warning prior to development of the draft rule and that there is no justification to extend the phase-in period.

	<p>nearly seedless, U of Wisconsin six varieties in six locations and no seeds produced).</p> <ul style="list-style-type: none"> <li>• Jeff also mentioned his own experience with Rudy Haag and that it does not produce or produces very little seed that does not germinate. Finally he mentioned a North Carolina study which he still needed to get the citation for.</li> <li>• He questioned why Paulownia is on list when it is unlikely to survive in our climate.</li> <li>• Would like to see deadline for sales extended as he has plants in the ground that are not yet ready for sale and he can't re-coop his investment in them in 1 year - only extend for inventory in production, so that plants can't continue to be brought in and sold. Believes only allowing 1 year is restricting trade and 3 years is only fair since it has been the phase out period in neighboring states.</li> </ul>	
<p>Mark Faunce, Limington</p>	<ul style="list-style-type: none"> <li>• Opposed as rule stands.</li> <li>• Clarify language to exempt sterile cultivars especially as the industry works towards developing more sterile cultivars,</li> <li>• How to deal with diverse climates across the state,</li> <li>• Need a longer phase out period of 3 years.</li> <li>• Proposing a rule without including</li> </ul>	<ul style="list-style-type: none"> <li>• The process of scientific evaluation could include observations from resource professionals or industry professionals as could the evaluation of a plant for exemption from the list. However DACF believes the bar should be very high for exempting a species or any of its cultivars or varieties and the decision should be based on more than just observation.</li> <li>• DACF does not believe it is practical nor justifiable to regulate hardiness zones differently and that climate change may increase the threat from invasive species and has incorporated a regular 5 year review into the rule partially for that purpose.</li> </ul>

	<p>eradication of plants where they are causing destruction – the horse is already out of the barn.</p>	<ul style="list-style-type: none"><li>• DACF believes there has been adequate warning prior to development of the draft rule and that there is no justification to extend the phase-in period.</li><li>• DACF agrees that control programs would be a great addition to this rule, but does not have the resources to do a strong control effort. Maine Natural Areas Program is actively pursuing invasive plant control in high value habitats</li></ul>
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