

Terrestrial Invasive Plants

The History of Concern

Gary Fish

Maine State Horticulturist

gary.fish@maine.gov

<http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml>



History of Invasive Plant Outreach in Maine

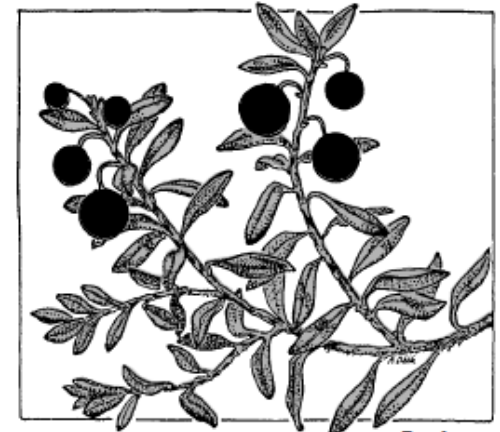
* **Non-Governmental Action**

- * 1996 Josselyn Botanical Society letter to industry
- * 1997 Invasive plant session at the MeLNA annual meeting – survey indicated need for alternatives and education
- * 1999 Gardening to Conserve brochure developed and distributed by garden centers
- * 2001 Factsheets developed and distributed to landscapers
- * 2009 MeLNA recertification manual includes a section on invasive plants

UMCE Bulletin #2500

*Gardening
to Conserve
Maine's Native
Landscape:*

Plants to Use and
Plants to Avoid



Bearberry

History of Invasive Plant Outreach in Maine

* **Governmental Action**

- * 2007 - DACF is directed by the legislature to study invasive terrestrial plants, the Commissioner appoints a stakeholder group
- * 2008 - The report from the Commissioner appointed committee studying invasive terrestrial plants is presented to the legislature
- * 2011 - A new rule, Chapter 273, is adopted outlining the criteria for listing invasive terrestrial plants

Report to the Second Regular Session of the 123rd Legislature

Resolve 2007, Chapter 21

“Resolve, Directing the Department of Agriculture, Food and Rural Resources to Study Invasive Terrestrial Plant Species”

Submitted by the Department of Agriculture, Food and Rural Resources

February 1, 2008



History of Invasive Plant Outreach in Maine

* Governmental Action

- * 2014 formed an Invasive Plant Scientific Advisory Committee (IP-SAC) for the DACF
- * 2015 - The Invasive Terrestrial Plants Workgroup finishes review of 38 plants to see if they meet the criteria set forth in the 2011 rule.
 - * Thirty-three of the 38 plants were found to meet the criteria and five did not
- * 2016 - DACF proposes changes to Ch. 273 Criteria for Listing Invasive Terrestrial Plants to restrict the sale or distribution of the 33 plants found to meet the criteria



The Proposed Amendments to Chapter 273

- * Some definitions were wordsmithed a bit
- * Definitions were added for:
 - * Native plant;
 - * Naturalized plant; and
 - * Species
- * The listing criteria were streamlined



The Proposed Amendments to Chapter 273

- * The list of:
 - * 15 “Invasive” plants;
 - * 12 “Likely Invasive” plants; and
 - * 6 “Potentially Invasive” plants
- * Prohibitions and restrictions
- * The one year transition clause
- * Variances
- * The promise for periodic review



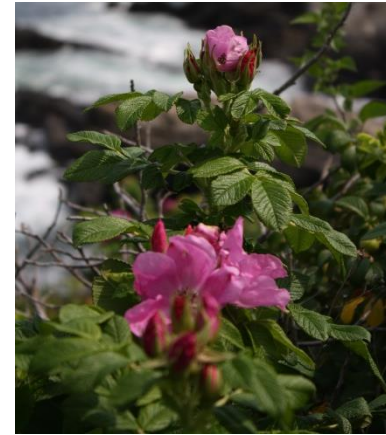
The List

- * The list only includes species that are found in commerce. (some are horticultural hitchhikers)
 - * We can only regulate the import, export, purchase, sale or intentional propagation of these plants
 - * We don't have the resources to stop people from moving them around intentionally or unintentionally
 - * We don't have the resources to demand that people remove them



Did Not Make The List

- * Five plants were evaluated by the Workgroup which were not added to the current list:
 - * Rugosa rose
 - * Western lupine
 - * Hardy kiwi
 - * Common valerian
 - * Callery (“Bradford”) pear



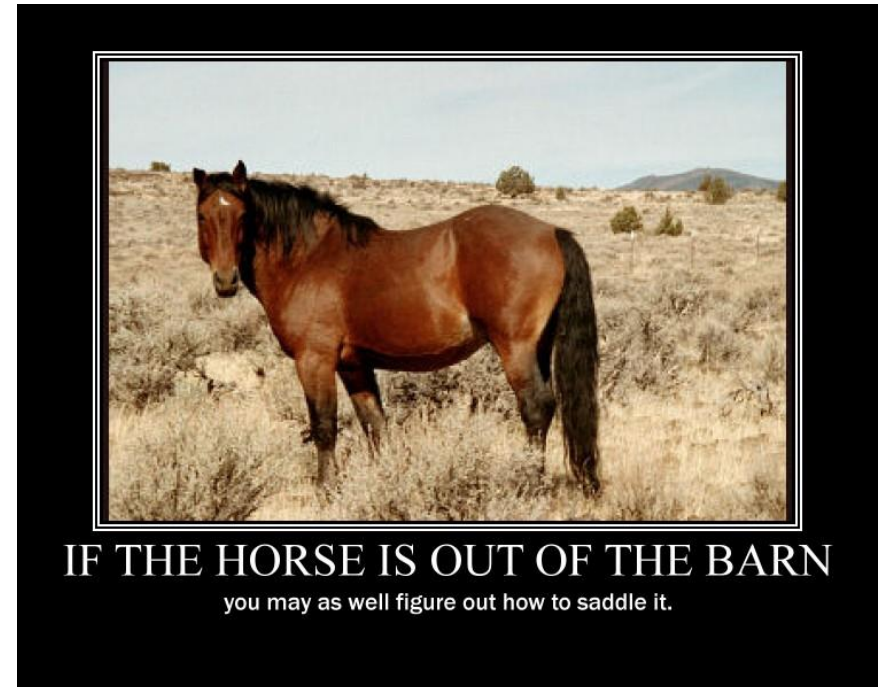
Substantive Comments

- * Approximately 150 commenters, only 6 at the public hearing
 - * about 140 were simply in support of the proposed rule, and
 - * about 10 commenters suggested revisions to the rule
 - * Define “propagation” so it only means intentional propagation
 - * Extend the transition period to 2 or 3 years
 - * Five commenters suggested removing plants from the list including:
 - * Burning bush (Rudy Haag)
 - * Crimson King Maple
 - * Japanese barberry (“sterile” cultivars)
 - * Black locust
 - * Autumn olive
 - * Paulownia



Substantive Comments

- * Regulate plants differently depending on the hardiness zone
- * Many comments on economic and environmental costs
- * Many comments regarding the need for a big educational component
- * Many comments on the need to include requirements to eradicate the plants, “horse is out of the barn...”



Substantive Comments

❖ A few commented on the need to add plants to the list

- * Tree lilac
- * Littleleaf linden
- * European mountain ash
- * Capitata yew
- * Rugosa rose
- * Amur maple
- * Sycamore maple
- * Callery pear
- * Tallhedge buckthorn
- * Black swallowwort
- * Pale swallowwort
- * Phragmites
- * Perennial pepperweed
- * Marijuana 😊

The Rest of the Rulemaking Process

- * Review all the comments and decide if there is any basis for additional amendments to the proposal
 - * If there is enough support to make amendments to the proposal and the changes are significantly different from the proposal the Department will ask for additional comments
 - * If the decision is to adopt the rule as proposed or if only minor changes are made the Attorney General's office must approve the rule



Once approved by the AG

- * Then the final rule, a basis statement and a response to all the comments is submitted to the Secretary of State's office
- * The final rule is published by the Secretary of State's office and the rule becomes effective five days later
- * There will be a phase in period (1 – 3 years) for prohibition on import, export, purchase or sale of the invasive plants



Next Steps

- * Once the rule is final:
 - * Press release
 - * Go on tour explaining it to many groups
 - * Develop outreach and educational tools
 - * Develop a process for petitioning new listings or de-listings
 - * Enforcement

MAINE INVASIVE PLANT NOMINATION FORM

Guidelines for Submitting a Candidate Species for Consideration for the Do Not Sell List

Note: Please be familiar with the Criteria for Listing Invasive Terrestrial Plants which is available online at: <http://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml> Only terrestrial and wetland plants which are not native to Maine may be considered. In addition, the purpose of the Do Not Sell list is to prohibit the sale of listed species and their cultivars; therefore, a species must be sold in the horticulture trade to be considered.

Please provide the following information about the species you are submitting for consideration:

1. Scientific name
2. Common name
3. Native range and reference book or other source used to determine the native range.
4. Is this species naturalized in Maine (growing and spreading outside of cultivation, backyards, etc.)? Please provide documentation. If the species is not yet in Maine, but is naturalized in a nearby state, please explain, with documentation.