

Terrestrial Invasive Plants

Rules to Control their Sale

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



History of Invasive Plant Outreach in Maine

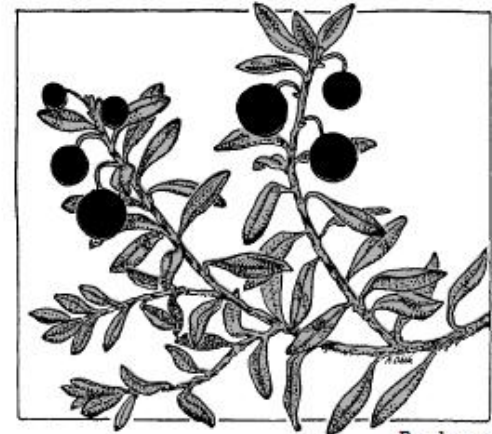
* Non-Governmental Action

- * 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



How Chapter 273 Was Amended

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



How Chapter 273 Was Amended

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



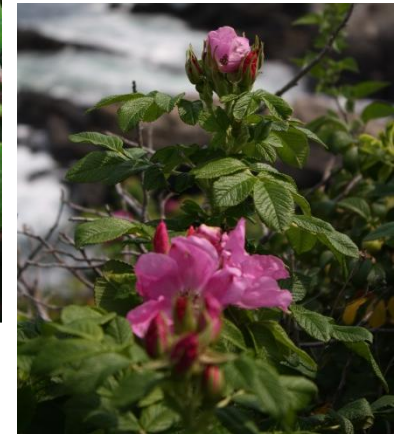
The list of 33 Plants

Scientific name	Common name	Scientific name	Common name
<i>Acer ginnala</i>	Amur Maple	<i>Hesperius matronalis</i>	Dame's Rocket
<i>Acer platanoides</i>	Norway Maple	<i>Impatiens glandulifera</i>	Ornamental Jewelweed
<i>Aegopodium podagraria</i>	Bishop's Weed	<i>Iris pseudacorus</i>	Yellow Iris
<i>Ailanthus altissima</i>	Tree of Heaven	<i>Ligustrum vulgare</i>	Common Privet
<i>Alliaria petiolata</i>	Garlic Mustard*	<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Amorpha fruticosa</i>	False Indigo Bush	<i>Lonicera maackii</i>	Amur or Bush Honeysuckle
<i>Ampelopsis glandulosa</i>	Porcelain Berry	<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Artemisia vulgaris</i>	Common Mugwort	<i>Lonicera tatarica</i>	Tartarian Honeysuckle
<i>Berberis thunbergii</i>	Japanese Barberry	<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Berberis vulgaris</i>	Common Barberry	<i>Microstegium vimineum</i>	Japanese Stilt Grass*
<i>Celastrus orbiculatus</i>	Asiatic Bittersweet	<i>Paulownia tomentosa</i>	Paulownia
<i>Elaeagnus umbellata</i>	Autumn Olive	<i>Persicaria perfoliata</i>	Mile a Minute Weed*
<i>Euonymus alatus</i>	Winged Euonymus	<i>Phellodendron amurense</i>	Amur Cork Tree
<i>Euphorbia cyparissias</i>	Cypress Spurge	<i>Populus alba</i>	White Cottonwood
<i>Fallopia baldschuanica</i>	Chinese Bindweed	<i>Robinia pseudoacacia</i>	Black Locust
<i>Fallopia japonica</i>	Japanese Knotweed	<i>Rosa multiflora</i>	Multiflora Rose
<i>Frangula alnus</i>	Glossy buckthorn		

* Horticultural hitchhikers

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



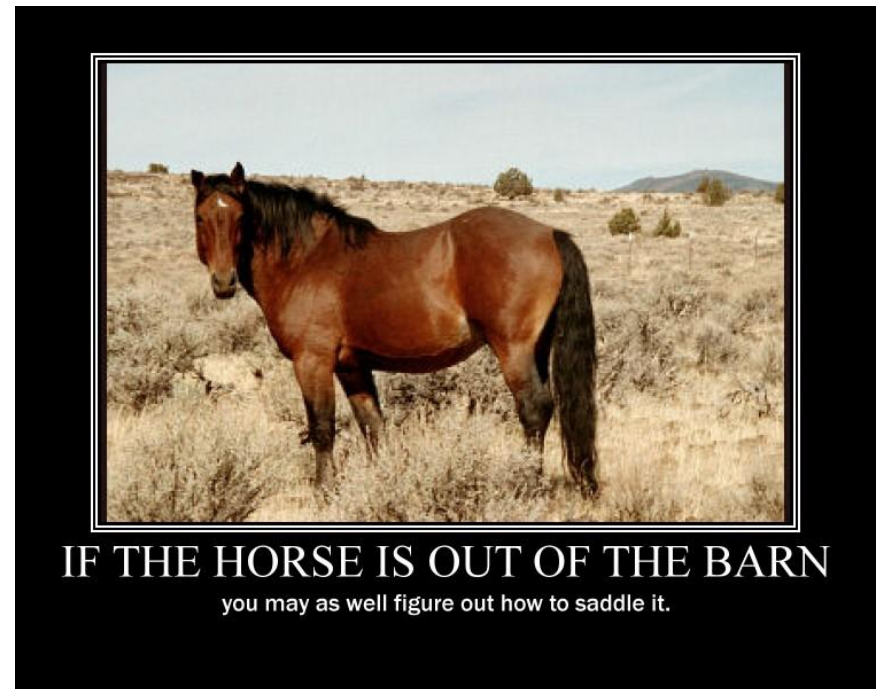
Public Comments

- * There were 161 commenters, only 6 at the public hearing
 - * about 124 were simply in support of the proposed rule as written, and
 - * 11 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 (already listed)
- * Black swallowwort
- * Pale swallowwort
- * Phragmites
- * Perennial pepperweed
- * Marijuana 😊

The Rest of the Rulemaking Process

- * We reviewed all the comments and decided if there was any basis for additional amendments to the proposal
- * The majority supported the rule as proposed
- * We did make one adjustment.
 - * Added – **intentionally propagate for sale or distribution**



Rule became effective on 1/14/17

- * The final rule, the basis statement and the response to all the comments was approved by the Governor's office, Assistant Attorney General and filed with the Secretary of State's Office
- * The final rule was published by the Secretary of State's office on 1/18/2017

ADOPTIONS <http://www.maine.gov/sos/cec/rules/notices/2017/011817.html>

AGENCY: 01-001 - Department of Agriculture, Conservation & Forestry (DACF)
CHAPTER NUMBER AND TITLE: Ch. 273, Criteria for Listing Invasive Terrestrial Plants
ADOPTEDRULENUMBER: 2017-003

CONCISE SUMMARY: This chapter establishes criteria to be used in evaluating non-native terrestrial invasive plants that could have adverse impacts on the Maine landscape. It also establishes the list of plants that are evaluated and meet the criteria and the restrictions on the distribution and sale of those plants.

EFFECTIVE DATE: January 14, 2017



Next Steps

- * Now that the rule is final:
 - * Go on tour explaining the rules to many groups
 - * Develop outreach and educational tools
 - * Develop a process for petitioning new listings or exemptions for certain cultivars
 - * 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 a nearby area (e.g., backyards, etc.)? If so, where?

Request to Exempt a Specific Cultivar from CMR 01-001 Chapter 273 Restrictions

Complete this form and submit it to the Maine Department of Agriculture, Conservation and Forestry, Horticulture Program.
SHS 28, Augusta, Maine 04333
horticulture@maine.gov

Requested cultivar to be assessed:	
Species:	
Date of request:	
Person making the request:	
Name:	
Organization/Company:	
Address:	
City/State/Zip:	
Telephone:	
Email:	

View complete list of invasive plants in CMR 01-001 Chapter 273 to make sure the species you are referring to is currently prohibited from sale.

Please answer the following questions and include significant scientific research and analysis. The more detail you can provide us the better.

Outreach Resources – Fact Sheet

33 Invasive Plants Prohibited from Sale in Maine What you need to Know



In January 2017 changes were adopted to CMR 01-001 Chapter 273: Criteria for Listing Invasive Terrestrial Plants. These changes make it illegal to sell, import, export, buy or intentionally propagate for sale the 33 plant species listed below.

<i>Acer ginnala</i> (amur maple)	<i>Hesperis matronalis</i> (dame's rocket)
<i>Acer platanoides</i> (Norway maple)	<i>Impatiens glandulifera</i> (ornamental jewelweed)
<i>Aegopodium podagraria</i> (bishop's weed)	<i>Iris pseudacorus</i> (yellow iris)
<i>Ailanthus altissima</i> (tree of heaven)	<i>Ligustrum vulgare</i> (common privet)
<i>Alliaria petiolata</i> (garlic mustard)	<i>Lonicera japonica</i> (Japanese honeysuckle)
<i>Amorpha fruticosa</i> (false indigo bush)	<i>Lonicera maackii</i> (amur or bush honeysuckle)
<i>Ampelopsis glandulosa</i> (porcelain berry)	<i>Lonicera morrowii</i> (Morrow's honeysuckle)
<i>Artemisia vulgaris</i> (common mugwort)	<i>Lonicera tatarica</i> (Tatarian honeysuckle)
<i>Berberis thunbergii</i> (Japanese barberry)	<i>Lythrum salicaria</i> (purple loosestrife)
<i>Berberis vulgaris</i> (common barberry)	<i>Microstegium vimineum</i> (Japanese stilt grass)
<i>Celastrus orbiculatus</i> (Asiatic bittersweet)	<i>Paulownia tomentosa</i> (paulownia, princess tree)
<i>Elaeagnus umbellata</i> (Autumn olive)	<i>Persicaria perfoliata</i> (mile-a-minute)
<i>Euonymus alatus</i> (winged euonymus)	<i>Phellodendron amurense</i> (amur cork tree)
<i>Euphorbia cyparissias</i> (cypress spurge)	<i>Populus alba</i> (white cottonwood)
<i>Fallopia baldschuanica</i> (Chinese bindweed)	<i>Robinia pseudoacacia</i> (black locust)
<i>Fallopia japonica</i> (Japanese knotweed)	<i>Rosa multiflora</i> (multiflora rose)
<i>Frangula alnus</i> (glossy buckthorn)	

Quick Facts

- Businesses selling plants have until **January 1, 2018** to sell any remaining plants.
- The ban includes the listed species and all cultivars, varieties and hybrids.
- Variances may be applied for and granted for scientific research and for varieties, cultivars or hybrids that have been shown to not be invasive through peer reviewed scientific research.
- The invasive plant rule and included prohibited plant list will be reviewed every 5 years.

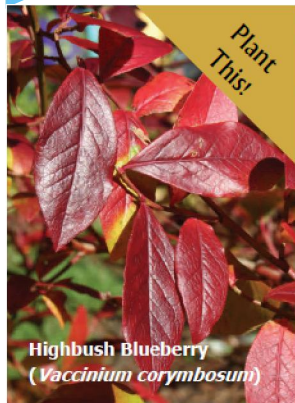
FOR MORE INFORMATION:
MAINE DEPARTMENT OF AGRICULTURE,
CONSERVATION AND FORESTRY
DIVISION OF ANIMAL AND PLANT HEALTH
28 STATE HOUSE STATION
AUGUSTA, ME 04333
207-287-3891
HORTICULTURE@MAINE.GOV
WWW.MAINE.GOV/HORT

Outreach Resources - Poster



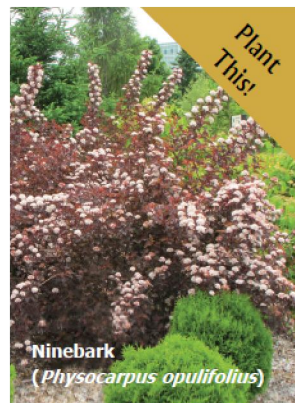
maine.gov/dacf/php/horticulture/documents/InvasivePlantPoster.pdf

Outreach Resources - Bookmarks



Plant This!

Highbush Blueberry
(*Vaccinium corymbosum*)



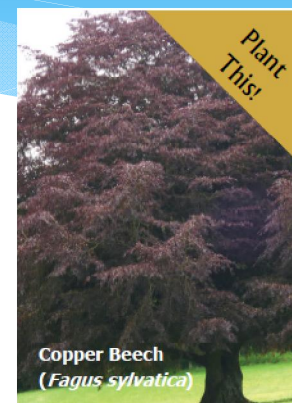
Plant This!

Ninebark
(*Physocarpus opulifolius*)



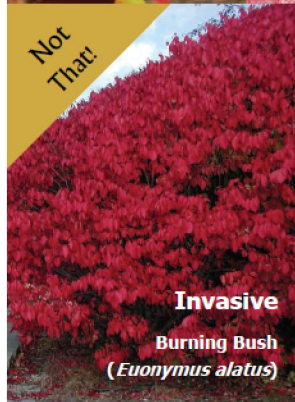
Plant This!

Winterberry
(*Ilex verticillata*)



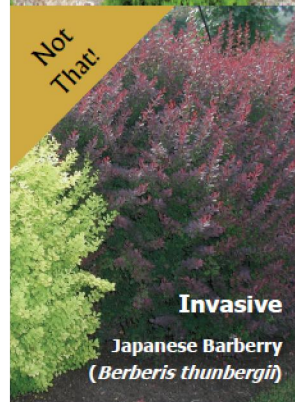
Plant This!

Copper Beech
(*Fagus sylvatica*)



Not That!

Invasive
Burning Bush
(*Euonymus alatus*)



Not That!

Invasive
Japanese Barberry
(*Berberis thunbergii*)



Not That!

Invasive
Asiatic Bittersweet
(*Celastrus orbiculatus*)



Not That!

Invasive
Norway Maple
(*Acer platanoides*)

Maine prohibits the sale* of 33 terrestrial invasive plant species

*Starting January 1, 2018

Invasive plants:

- Are not native to Maine,
- Have spread or have the potential to spread into forests, fields and natural areas,
- Cause harm by developing populations that negatively impact the environment, economy or human health.

Learn more at:

www.maine.gov/hort



Or try these alternatives:

Fothergilla
Redvein enkianthus
Red chokeberry
Summersweet
Virginia sweetspire

Or try these alternatives:

Highbush blueberry
Red chokeberry
Spreading Cotoneaster
Shrub roses
Weigela

Or try these alternatives:

American bittersweet
Trumpet creeper
Virginia creeper
Virginia rose

Or try these alternatives:

Crabapple
Flowering plum
Purple-leaved birches
Red maple
Sugar maple

Outreach Resources - Website

www.maine.gov/dacf/php/horticulture/invasiveplants.shtml

EPA: Pesticides - Prop | USDA APHIS Applicat | Division of Animal and Plant Health | MS-TAMS Logon | System Dashboard - C | ePermits (APHIS) | Board of Pesticides Control | Office of Information

Maine.gov | Agencies | Online Services | Help | Search Maine.gov | Select Language

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DACF Home → Bureaus & Programs → Bureau of Agriculture → Division of Animal and Plant Health → Horticulture Program → Invasive Plants

Division of Animal and Plant Health

Horticulture Program

Invasive Plants



On this page: [New Rules](#) | [Plant List](#) | [What Are Invasive Plants?](#) | [Alternatives to Invasive Plants](#) | [History of Invasive Plant Regulations](#)

New Rules

FEATURED TOPICS

- [Invasive Plant Poster \(PDF 4MB\)](#)
- [Invasive Plant Handout \(PDF 139KB\)](#)
- [Invasive Plant Rule \(PDF 38KB\) or \(DOC 69KB\)](#)
- [Invasive Plant Nomination Form \(PDF 17KB\) or \(DOC 23KB\)](#)
- [Request to Exempt a Specific Cultivar \(PDF 51KB\) or \(DOC 44KB\)](#)

LINKS

- [Maine Natural Areas Program](#)
- [Invasive Plant Information](#)
- [Federal Noxious Weed Program](#)
- [Invasive Aquatic Plants - Maine Department of Environmental Protection](#)

What: The Maine Department of Agriculture, Conservation and Forestry has adopted rules (PDF 38KB) / (DOC 69KB) that

maine.gov/dacf/php/horticulture/invasiveplants.shtml

That All Folks!

*Questions?