

SENATE BILL 44

M4

(PRE-FILED)

4r0682
CF 4r0899

By: **Senator Colburn**

Requested: October 21, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Noxious Weeds – Reed Grass**

3 FOR the purpose of classifying reed grass (*phragmites australis*) as a noxious weed
4 subject to investigation, abatement, eradication, and general regulation under
5 the direction of the Maryland Department of Agriculture.

6 BY repealing and reenacting, with amendments,
7 Article – Agriculture
8 Section 9–401
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Agriculture
13 Section 9–402 through 9–405
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Agriculture**

19 9–401.

20 (a) The existence of growth of certain species of plants is declared to be
21 noxious.

22 (b) The following plants are considered to be noxious weeds in the State:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Thistles belonging to the asteraceae or compositae family,
2 including Canada, musk, nodding, plumeless, and bull thistle;

3 (2) Johnsongrass (sorghum halepense) or hybrids that contain
4 Johnsongrass as a parent; [and]

5 (3) Shatter cane and wild cane (sorghum bicolor); AND

6 (4) **REED GRASS (PHRAGMITES AUSTRALIS).**

7 9-402.

8 The Secretary may:

9 (1) Make investigations, studies, and determinations he deems
10 advisable in order to ascertain the extent of growth and infestation of a noxious weed,
11 other weed species in the State, and the effect of the species on agricultural
12 production;

13 (2) Following public hearing, designate as noxious weeds other species
14 of plants which adversely affect or threaten agricultural production, and carry out
15 practices necessary to bring about control or abatement of the species, or both;

16 (3) Institute programs of control and eradication;

17 (4) Enter into agreements with any county and subdivision of the
18 State, with any adjoining state, and with agencies of the federal government to effect a
19 program of control and eradication;

20 (5) Accept, use, or expend any aid, gift, grant, or loan made available
21 from any private or public source to carry out the provisions of this subtitle; and

22 (6) Following a public hearing declare a quarantine to control or
23 eradicate any exotic plant, which means a plant species not previously known to occur
24 in the State or known to be of only limited distribution in the State, as determined by
25 the Secretary.

26 9-403.

27 After an agreement between the Secretary and the county is executed, the
28 Secretary and the county may conduct surveys to determine the location and amount
29 of infestation of a noxious weed or other plant species within the county. Both parties
30 may provide technical assistance to landowners in a cooperative control or eradication
31 program, and may effect a program of mowing, spraying, or other control or
32 eradication practices on any road right-of-way, drainage ditch bank, park,
33 playground, and any other public or private land. The agreement between the
34 Secretary and county may be terminated by either party on 30 days written notice.

1 9-404.

2 (a) No person may:

3 (1) Import or transport a noxious weed in the State in any form
4 capable of growth; or

5 (2) Contaminate any uninfested land with a noxious weed through the
6 movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other
7 artificial medium.

8 (b) Each landowner, including a landowner of public land, or person who
9 possesses and manages land infested with a noxious weed shall eradicate or control
10 the noxious weed on that land by using practices that the Secretary prescribes,
11 including mowing, cultivating, or treating with an approved herbicide.

12 9-405.

13 Each failure to comply with the provisions of this subtitle shall be reported to
14 the State's Attorney for the county in which the violation occurs. The State's Attorney
15 shall prosecute all violations and bring an action to enjoin any nuisance. However, a
16 landowner or other person who possesses and manages the land may enter into a
17 written agreement with the Secretary which sets forth a program for the eradication
18 or control of a noxious weed, and if all the terms and conditions of the agreement are
19 met, there is no violation of this subtitle as to the land covered by the agreement.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2014.