§ 9-1503. Removal of protected plants.

1. For the purposes of this section, "plants" shall mean species of native shrubs, trees, herbs, ferns, fern-allies and wild flowers; "endangered species" shall mean those species of plants in danger of extinction throughout all or a significant portion of their ranges within the state, and requiring remedial action to prevent such extinction; "threatened species" shall mean those species of plants that are likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges within the state; "rare species" shall mean those species of plants that have small populations within their ranges in the state, and "exploitably vulnerable species" shall mean those species of plants that are likely to become threatened in the near future throughout all or a significant portion of their ranges within the state if causal factors continue unchecked.

2. The department may, by rule and regulation, promulgate and adopt a list or lists of protected plants which by reason of their endangered, rare, threatened or exploitably vulnerable status should not be picked or removed from their natural habitat. In promulgating and adopting such list or lists the department shall consult with and cooperate with the departments of agriculture and markets and education and other affected public or private organizations. Plants included in such list or lists may be so included for purposes of the entire state or portions thereof. Such list or lists may be modified in whole or in part through the institution of a permit or waiver-issuing procedure.

3. No person shall, in any area designated by such list or lists, knowingly pick, pluck, sever, remove, damage by the application of herbicides or defoliants or carry away, without the consent of the owner thereof, any protected plant. An offense under this section shall be a violation, punishable by a fine of not to exceed twenty-five dollars.

4. The department is authorized to regulate the harvesting, collection, sale, and exportation of American ginseng (Panax quinquefolius) plants, roots and cuttings. The department is further authorized to promulgate rules and regulations to implement the

authority conferred herein.