

MAINE STATE LEGISLATURE

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CHAPTER 213
DISEASE AND PEST CONTROL

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SUBCHAPTER I
STATE ENTOMOLOGIST

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§ 951. Appointment

The Forest Commissioner shall appoint, subject to the Personnel Law, a trained entomologist to be known as the State Entomologist.

R.S.1954, c. 36, § 18.

§ 952. Duties

The duties of the State Entomologist shall be to answer calls for information on insect control and identification, to supervise necessary control work not already provided for by law and to assist other departments in work along this line.

R.S.1954, c. 36, § 19.

SUBCHAPTER II
INSPECTION, RESEARCH AND CONTROL

Sec.
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§ 1001. Program authorized

The Forest Commissioner or his duly authorized agent may take measures for the prevention and control of forest insects and diseases and when deemed necessary use control measures such as aeroplane spraying or similar methods.

R.S.1954, c. 36, § 16.

§ 1002. Survey work

The State Entomologist or his agents, under the supervision of the commissioner, may go on any lands for the purpose of surveying and inspecting any shade, ornamental and forest trees whenever he may suspect that any dangerous native or exotic insect or disease may be present, and may do any work involved in ascertaining the presence of such organisms. If the survey work requires the placing of so called "trap" material on developed lands in incorporated areas, he must first notify the owner of his plans.

R.S.1954, c. 36, § 20.

§ 1003. Information and recommendations

If sufficient problem is found resulting from any insect or disease attack on trees, the State Entomologist or his agents, under the supervision of the commissioner, shall give this information to the owner of the land involved, and to the municipal officials if in a municipality. He or his agents may or shall upon request make recommendations to landowners and municipal officials if further inspection or control work is needed. This will include information on life cycles or phases of the insect or disease.

R.S.1954, c. 36, § 21.

§ 1004. Control measures

Any public agency or group of owners carrying on or planning a control project may appeal to the commissioner for permission to carry out the project, in case the owner or owners of property in or adjacent to the control area refuses to do control work or to allow control work to be done on his property. The State Entomologist or his agents, under the supervision of the commissioner may, after careful inspection and survey has shown a serious problem exists, grant authority for control measures to be carried out on the protestors' lands.

R.S.1954, c. 36, § 22.

§ 1005. Advice

For the purpose of improving the over-all health of trees, the State Entomologist or his agents, under the supervision of the commissioner, may advise municipalities or private owners on their forest, shade or ornamental tree problems and recommend programs for the general improvement of such trees.

R.S.1954, c. 36, § 23.

§ 1006. Research

Research work to find the best methods of control may be carried on by the State Entomologist or his agents under the supervision of the commissioner.

R.S.1954, c. 36, § 24.

§ 1007. Emergencies

Responsibility for control of insect and disease outbreaks shall, in all but emergencies, rest with the owners of the property whether private or public.

Emergencies shall be so considered when in the opinion of the commissioner the infestation or infection is likely to kill or seriously injure trees in large numbers, or so localized that immediate control will prevent a large possible outbreak, or of recent foreign origin or apt to create a public health nuisance.

In emergencies the State Entomologist or his agents, under the supervision of the commissioner, may enter into agreement with municipal officials to pay up to $\frac{1}{2}$ the cost of control if state funds are available for this purpose. Whenever the State does contribute funds for this purpose it shall have the authority to determine the control methods to be used. The State may make similar agreements with groups of private owners if the project is approved by municipal officials.

In emergency control programs spraying, dusting, eradication or other control measures may be done directly by the State or may be done on a contract basis with responsible private companies or individuals.

R.S.1954, c. 36, § 25.

SUBCHAPTER III**GYPSY AND BROWN-TAIL MOTH**

Sec.

1051. Declared a public nuisance.

1052. Control of.

§ 1051. Declared a public nuisance

For the purpose of this section and section 1052 the gypsy moth and brown-tail moths are declared public nuisances, and their suppression is authorized but no owner or occupant of real estate infested by such nuisances shall by reason thereof be liable to an action, civil or criminal.

The State Entomologist or his agents, under the supervision of the Forest Commissioner, may assist in enforcing gypsy and brown-tail moth quarantine laws using such funds in the Division of Entomology as may be available.

R.S.1954, c. 36, § 26.

§ 1052. Control of

Whenever any city or town shall appropriate or raise a sum of money and shall pay the same into the State Treasury for the purpose of controlling the gypsy and brown-tail moths within its borders, the Forest Commissioner shall cause such amount to be expended in such city or town, together with such sum as may be determined by the commissioner from the state appropriation made therefor. If the commissioner finds it to be unnecessary or impracticable to expend such entire amount or any part thereof during the year following such payment to the Treasurer of State, the unexpended proportion shall be reimbursed to such city or town.

R.S.1954, c. 36, § 27.

SUBCHAPTER IV

WHITE PINE BLISTER RUST

Sec.

- 1101. Declared a dangerous pest.
- 1102. Information; areas to control.
- 1103. Entry on lands; cooperation.
- 1104. Destruction of diseased trees and shrubs; reimbursement for plants not infected.
- 1105. State Nursery Inspector; authority.
- 1106. Shipment prohibited.

§ 1101. Declared a dangerous pest

The fungus disease commonly known as the white pine blister rust is declared to be a dangerous pest in all its stages. It is the duty of the officials named to prosecute the measures specified for the control of this pest.

R.S.1954, c. 36, § 68.

§ 1102. Information; areas to control

The Forest Commissioner is authorized and empowered to promulgate by letter, publication, poster or other means information concerning the white pine blister rust and to designate, by the means of promulgation, areas within the State in which control measures are necessary or advisable. It shall be the duty of every landowner within such designated area to carry out such control measures as are ordered by the commissioner, including the removal and destruction of any or all plants of the genus ribes, commonly known as currants and gooseberries, and any white pine tree or trees which are found to be infected with the disease. If the owner fails to destroy the above-named plants or trees within the time specified by the commissioner, the commissioner shall cause said plants or trees to be destroyed and shall charge the actual expense of same to the municipality within which said plants or trees are found. Such amount shall be collected as a state tax and credited to the appropriation for said purpose. The municipality wherein such plants or trees are found may assess the cost of the removal of said plants or trees to the owner of the real estate wherein the said plants or trees are found. The amount so assessed shall be collected in the form of a tax.

R.S.1954, c. 36, § 69.

§ 1103. Entry on lands; cooperation

The Forest Commissioner or his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages and to carry out the necessary eradication measures. The commissioner may cooperate with departments of the Federal Government, the State Department of Agriculture and the Agricultural Experiment Station for the control or eradication of said disease in the State and for the carrying out of such investigations as he deems advisable.

R.S.1954, c. 36, § 70.

§ 1104. Destruction of diseased trees and shrubs; reimbursement for plants not infected

Any white pine trees or currant or gooseberry bushes which are found to be infected with *cronartium ribicola* are declared to be a public menace, and any such diseased trees or plants and any and all wild plants of the genus *ribes* may be destroyed by order of the commissioner or his authorized agents. If, within any designated area as specified in section 1102, currant or gooseberry bushes or white pine trees which are not infected with *cronartium ribicola* are designated by the commissioner or his agents for destruction and destroyed by their specific order, the owner may be compensated therefor; the damages to be assessed by the commissioner or his agents at not to exceed the actual value of the material destroyed, and paid to said owner by the Treasurer of State upon authorization of the commissioner. In lieu of money damages for any trees or bushes destroyed under this subchapter, the commissioner may offer and the owner may accept forest planting stock to be furnished from the state forest nursery, and to be paid for at cost by the commissioner.

R.S.1954, c. 36, § 71.

§ 1105. State Nursery Inspector; authority

The State Nursery Inspector, under direction of the Commissioner of Agriculture, is authorized and empowered to enter upon any land contiguous to or within the vicinity of any nursery within the State, for the purpose of determining the presence or absence of *cronartium ribicola* in any of its stages or other threatening fungous disease or insect pest, and within such area he shall have the same power and duties for control and eradication of the white pine blister rust or its hosts as are vested in the Forest

Commissioner or his agents, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening fungous diseases or insect pests.

R.S.1954, c. 36, § 72.

§ 1106. Shipment prohibited

The Forest Commissioner is authorized and empowered to prohibit and prevent or to regulate the entry into the State or movement within the State from any part thereof to any other part, of any living five-leaved pine trees, or any plants of the genus ribes or other nursery stock or plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. The commissioner is authorized to issue such orders, notifications and permits as may be necessary to carry out this section, and any person violating any of the provisions of this section and section 1105 shall be punished by a fine of not more than \$20 for each and every offense. The expenses necessary for carrying out section 1105 shall be paid from the appropriation for nursery inspection or other funds of the Department of Agriculture.

R.S.1954, c. 36, § 73.