

# MAINE STATE LEGISLATURE

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March 10, 1938

Honorable Frank P. Washburn  
Commissioner of Agriculture  
Augusta, Maine

Dear Sir:

In answer to your recent inquiry as to your authority to enter upon private property for the purpose of suppressing brown-tail and gypsy moths, I am pleased to call your attention to section 2 of Chapter 48 of the Revised Statutes, wherein it is provided that:

\*\*\*the gypsy and brown-tail moths in their different stages are hereby declared public nuisances and their suppression is authorized and required,\*\*\*\*\* "The commissioner of agriculture shall disseminate information concerning brown-tail and gypsy moths, San Jose scale and other injurious insects; and the entire work of suppressing the gypsy moth in all its forms shall be done under the direct charge of the said commissioner. Any person who purposely resists or obstructs the said commissioner or any person or persons under his employ, or any officer or agent of a city or town while engaged in the execution of the purposes of this section and the nine following sections, shall be punished by a fine of not more than twenty-five dollars for each offense."

It is my opinion that under the provisions of this section you and your authorized agents have the authority to enter upon private property for the purpose of abating said public nuisance by the extermination and eradication of the said brown-tail and gypsy moths.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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