

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 55

H. P. 53

House of Representatives, January 8, 1969

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Page of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Tree and Shrub Seeds Under the Maine Seed Law.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 7, § 485, amended. Section 485 of Title 7 of the Revised Statutes is amended to read as follows:

§ 485. Annual analysis

The Director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, samples of articles of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds**, commercial feeding stuff, commercial fertilizer, drugs, foods and economic poisons at such time and to such extent as the commissioner may determine. Said commissioner, in person or by deputy, shall have free access, ingress and egress at all reasonable hours to any place or any building wherein articles of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds**, commercial feeding stuff, commercial fertilizer, drugs, food or economic poisons are manufactured, stored, transported, sold, offered or exposed for sale. He may, in person or by deputy, open any case, package or other container, and may, upon tendering the market price, take samples for analysis. The results of all analyses of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds**, commercial feeding stuff, commercial fertilizer, drugs, food and economic poisons made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, the names of the manufacturers thereof and such additional information as to him may seem advisable.

Sec. 2. R. S., T. 7, § 1042, sub-§ 7-A, additional. Section 1042 of Title 7 of the Revised Statutes is amended by adding a new subsection 7-A, to read as follows:

7-A. Tree and shrub seeds. "Tree and shrub seeds" shall include the seeds of woody plants commonly known and sold as tree and shrub seeds in this State.

Sec. 3. R. S., T. 7, § 1043, amended. The first paragraph of section 1043 of Title 7 of the Revised Statutes is amended to read as follows:

Each container of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds** which is sold, offered for sale or exposed for sale within the State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

Sec. 4. R. S., T. 7, § 1043, sub-§ 3, additional. Section 1043 of Title 7 of the Revised Statutes is amended by adding a new subsection 3, to read as follows:

3. For tree and shrub seeds:

A. Name of kind and variety;

B. The percentage by weight of pure seed;

C. The percentage of germination;

D. The year of collection of such seed;

E. The specific locality, state and county in the United States or nearest equivalent political unit in the case of foreign countries, in which the seed was collected.

Sec. 5. R. S., T. 7, § 1044, sub-§ 1, amended. The first sentence of subsection 1 of section 1044 of Title 7 of the Revised Statutes is amended to read as follows:

It shall be unlawful for any person to sell, offer for sale or expose for sale any agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds** within this State:

Sec. 6. R. S., T. 7, § 1044, sub-§ 2, ¶ B, amended. Paragraph B of subsection 2 of section 1044 of Title 7 of the Revised Statutes is amended to read as follows:

B. To disseminate any false or misleading advertisement concerning agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds** in any manner or by any means;

Sec. 7. R. S., T. 7, § 1045, amended. The 2nd paragraph of section 1045 of Title 7 of the Revised Statutes is amended to read as follows:

No person shall be subject to the penalties of this subchapter for having sold or offered or exposed for sale in this State any agricultural ~~or vegetable seeds~~, **vegetable or tree and shrub seeds** which were incorrectly labeled or represented as to kind, variety, type or origin, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving kind, or kind and variety, or kind and type, and

origin if required, and to take such other precautions as may be necessary to insure the identity to be that stated.

Sec. 8. R. S., T. 7, § 1046, amended. Section 1046 of Title 7 of the Revised Statutes is amended to read as follows:

§ 1046. Duties of commissioner

It shall be the duty of the commissioner, who may act through his authorized agents:

1. **Inspection.** To sample, inspect, cause to be analyzed or tested, agricultural ~~and vegetable seeds,~~ **vegetable or tree and shrub seeds** transported, sold or offered or exposed for sale within this State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural ~~or vegetable seeds,~~ **vegetable or tree and shrub seeds** are in compliance with this subchapter, and to notify promptly of any violation, the person who transported, sold, offered or exposed the seed for sale;

2. **Rules and regulations.** To prescribe and, after public hearing following due public notice, to adopt rules and regulations governing the methods of sampling, inspecting, analysis, test and examination of agricultural ~~and vegetable seed,~~ **vegetable or tree and shrub seeds**, and the tolerances to be followed, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this subchapter.

Sec. 9. R. S., T. 7, § 1047, sub-§ 1, amended. The first sentence of subsection 1 of section 1047 of Title 7 of the Revised Statutes is amended to read as follows:

To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural ~~or vegetable seed,~~ **vegetable or tree and shrub seeds** which the commissioner finds is in violation of any of the provisions of this subchapter, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with.

Sec. 10. R. S., T. 7, § 1048, amended. The first sentence of section 1048 of Title 7 of the Revised Statutes is amended to read as follows:

Any lot of agricultural ~~or vegetable seed,~~ **vegetable or tree and shrub seeds** not in compliance with this subchapter shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the seed is located.