

MAINE STATE LEGISLATURE

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2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 923,
L.D. 1320, Bill, "An Act to Revise the Maine Horticultural Laws"

Amend the amendment in section 2 in that part designated "§2213." in subsection 2 by striking out the first sentence (page 2, lines 48 and 49 and page 3, lines 1 to 4 in amendment) and inserting in its place the following: 'The State Horticulturist or an assistant may inspect any orchard, field, garden or roadside in public or private grounds if the State Horticulturist or an assistant has reasonable cause to believe the area is infested with a plant pest that may be a threat to plants belonging to other property owners or to the health or safety of the general public.'

Further amend the amendment in section 2 in that part designated "§2214." by striking out the last 2 sentences (page 3, lines 29 to 35 in amendment) and inserting in its place the following: 'If such nursery stock is infested with any plant pests, the State Horticulturist may, after notice and opportunity for a hearing is provided in a manner consistent with the Maine Administrative Procedure Act, order the stock destroyed or returned to the consignor at the consignor's expense.'

STATEMENT OF FACT

This amendment replaces language reading "is suspected of being infested" with "has reasonable cause to believe an area is infested." It also provides for due process by stating that notice and an opportunity for a hearing must be provided prior to ordering infested nursery stock destroyed or returned.

Filed by Rep. Tardy of Palmyra
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(6/5/91) (Filing No. H-571)

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