

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 183

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to provide for the protection of trees and shrubs from  
the introduction and ravages of dangerous insects and dis-  
eases.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. All nurseries or places where trees, shrubs,  
2 vines and plants are grown or offered for sale, shall be  
3 inspected at least once a year by a competent entomologist  
4 to be employed by the commissioner of agriculture; and if  
5 no dangerous insects or diseases are found a certificate to  
6 that effect shall be issued by the said commissioner of agri-  
7 culture; said certificate shall contain also the name of the  
8 entomologist and the date when said examination is made.

9 The entomologist employed for this purpose shall report in  
10 writing immediately the results of his examination.

Any proprietor or owner of nurseries or places where trees,  
12 shrubs, vines and plants are found to be infected with dan-  
13 gerous insects or diseases shall be notified of the same by the  
14 commissioner of agriculture at once; such proprietor, owner  
15 or his agents are hereby prohibited selling or offering for sale  
16 such trees, shrubs or plants, unless the same have been fumi-  
17 gated or otherwise treated under the direction of the com-  
18 missioner of agriculture, and such trees, shrubs or plants  
19 shall bear a certificate of the same. Any violation of this  
20 requirement shall be fined not more than fifty dollars for each  
21 and every offense.

Sect. 2. All nursery stock shipped into this State from any  
2 other state, country or province shall bear on each box or  
3 package a certificate that the contents of said box or package  
4 have been investigated by a duly authorized inspecting offi-  
5 cer, and that said contents appear to be free from all danger-  
6 ous insects or diseases. In case nursery stock is brought  
7 into the State without such a certificate the consignee shall  
8 return it to the consignor at the expense of the latter; pro-  
9 vided, however, that any box or package bearing a certificate  
10 of fumigation, which shall be an affidavit made before a jus-  
11 tice of the peace, that all stock sold by the consignor has been  
12 fumigated in a manner approved by the state nursery inspec-  
13 tor of the state from which said nursery stock is shipped, the  
14 same may be accepted as though bearing a proper certificate  
15 of inspection.

Sect. 3. Any transportation company that shall bring into  
2 this State any nursery stock such as trees, shrubs, vines, cut-  
3 tings or buds, and any transportation company, owner or  
4 owners of nursery stock, or persons selling nursery stock  
5 as thus defined, who shall transport such stock or cause it  
6 to be transported within the State, the same not having

7 attached to each box or package an unexpired official cer-  
8 tificate of inspection or an affidavit of fumigation which shall  
9 meet the requirements specified in section one of this act,  
10 shall be guilty of a misdemeanor, and on conviction thereof  
11 be subject to a fine not exceeding one hundred dollars for  
12 each offence.

Sect. 4. It shall be the duty of the commissioner of agri-  
2 culture to make full investigation of any locality when the  
3 presence of the brown-tail or gypsy moths or other injurious  
4 insects or plant diseases may be suspected. Should any per-  
5 son in the State suspect the presence of the brown-tail, the  
6 gypsy moth, the San Jose scale or other injurious insects or  
7 diseases preying upon trees, shrubs or vines in his possession  
8 or within his knowledge, he shall forthwith notify the com-  
9 missioner of agriculture to that effect; and it shall be the duty  
10 of said commissioner of agriculture to cause the said trees,  
11 shrubs or vines to be inspected by a competent entomologist,  
12 who shall forthwith make a report of the results of his inspec-  
13 tion. It shall be the duty of the commissioner of agriculture  
14 to disseminate information concerning the brown-tail moth,  
15 the gypsy moth and other injurious insects or plant diseases.  
16 Wherever such insects or diseases may be found it shall also  
17 be the duty of said commissioner to at once proceed to exter-  
18minate or control all such insects and plant diseases as may  
19 come to his knowledge within the limits of the means at his  
20 disposal.

Sect. 5. For the purpose of inspecting any trees, shrubs or  
2 plants supposed to be infected with dangerous insects or dis-  
3 eases, the authorized entomologist shall have the right to  
4 enter private or public grounds, and for the purpose of exter-  
5minating or controlling any dangerous insects or diseases  
6 that may be found infecting trees, shrubs, or plants, the com-  
7 missioner of agriculture and his employees and municipal

8 officers and their employees shall have the right to enter pri-  
9 vate and public grounds.

Sect. 6. For the purpose of carrying into effect the pro-  
2 visions of this act the sums of \$5,000 for the year 1905 and  
3 for the year 1906, or such part thereof as may be necessary,  
4 are hereby appropriated.

Sect. 7. In case of violation of this act it shall be the duty  
2 of the commissioner of agriculture to enforce the penalties  
3 set down in sections 1 and 3 of this act.

Sect. 8. The statute law entitled "An Act for the protec-  
2 tion of trees and shrubs from injurious insects and diseases,"  
3 is hereby repealed.

Sect. 9. This act shall take effect when approved.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES,  
Augusta, February 17, 1905.

Reported by Mr. PURINTON from Committee on Agriculture and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*