
SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 230

In Senate, Mar. 22, 1911.

Reported by Mr. Hill from committee on Agriculture and ordered printed under joint rules.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter 15 of the Public Laws of 1907, as amended by Chapter 34 of the Public Laws of 1909, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

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

Section 1. Section 3 of Chapter 15 of the Public Laws 2 of 1907, as amended by Section 1 of Chapter 34 of the 3 Public Laws of 1909, is hereby amended by striking out 4 the word "entomologist," in lines 3, 5, 9, 11, 13, 19, 23 and 5 25 of said Section and inserting in place thereof the word 6 'horticulturist' so that the Section as amended shall read 7 as follows:

'Sect. 3. All nurseries or places where trees, shrubs, vines

9 and plants are grown or offered for sale, shall be inspected
10 at least once a year by the state horticulturist appointed by
11 the commissioner of agriculture, or by some person acting
12 under the direction of the state horticulturist and by him
13 deemed competent, and if no dangerous insects or fungous
14 diseases are found therein a certificate to that effect shall be
15 given. If such pests are found therein, the owner of the
16 stock shall take such measures to destroy the same as the
17 state horticulturist shall prescribe, and no certificate as afore-
18 said shall be given until the said horticulturist has satisfied
19 himself that all such pests have been suppressed.

The state horticulturist, either personally or through com-
21 petent assistants as aforesaid, may inspect any orchard, field,
22 garden or roadside in public or private grounds, which he or
23 they may know or have reason to suspect to be infested with
24 the San Jose scale or any serious pest or infectious disease,
25 when in his or their judgment such pests or infectious dis-
26 eases are a menace to adjoining owners; and the state hor-
27 ticulturist may order the owner, occupant or person in charge
28 thereof in writing, to properly spray or give other suitable
29 treatment, or to cut and destroy any such diseased trees or
30 shrubs, if in the opinion of the state horticulturist such ac-
31 tion is necessary. If the owner of such orchard, field or
32 garden neglects or refuses to comply with such written or-
33 der of the said horticulturist, he shall be fined not less than
34 ten dollars nor more than fifty dollars for each offence.'

Sect. 2. Section four of said chapter 15, as amended by

2 section 2 of the Public Laws of 1909, is hereby amended by
3 striking out the word "entomologist," in the 7th and 11th
4 lines, and substituting therefor the word 'horticulturist,' so
5 that the section shall read as follows:

'Sect. 4. All nursery stock shipped into this state from
7 any other state, country or province shall bear on each box
8 or package a certificate that the contents of said box or pack-
9 age have been investigated by a duly authorized inspecting
10 officer, and that said contents appear to be free from all dan-
11 gerous insects and diseases.

The state horticulturist, or his competent assistants as
13 aforesaid, shall have power to inspect, at the point of desti-
14 nation, all stock coming into the state, whether under certifi-
15 cate or not, and should such stock be found to be infested
16 with any injurious insects or plant diseases, the state horti-
17 culturist shall cause it to be destroyed or returned to the
18 consignor at the consignor's expense, if he shall so elect.

All prosecutions under the provisions of this act shall be
20 instituted by the commissioner of agriculture and shall be
21 directed by him and all penalties and costs recovered from
22 the violation of any provision of this act shall be paid into
23 the state treasury, to be kept as a fund for the use of the
24 commissioner of agriculture in the enforcement of this act
25 and as an addition to the appropriation made in this act to be
26 drawn from the treasury in the same manner as said appro-
27 priation.'

Sect. 3. Section 6 of said chapter 15 of the Public Laws of

2 1907, as amended by section 3 of the Public Laws of 1909,
3 is hereby amended by striking out the word "entomologist,"
4 in the third and fifth lines of the first paragraph of said sec-
5 tion, and substituting therefor the word 'horticulturist,' so
6 that said paragraph shall read as follows:

'Sect. 6. Agents or other parties excepting growers who
8 wish to sell nursery stock shall make application for an
9 agent's license and shall file with the state horticulturist the
10 names and addresses of nurseries or parties from which they
11 purchase their stock. On receipt of such application the
12 state horticulturist shall issue an agent's license valid for one
13 year in such form and with such provisions as the commis-
14 sioner of agriculture may prescribe. Such license may be
15 revoked at any time for failure to report names and address-
16 es of nurseries from which stock is purchased or for such
17 other causes as may in the opinion of the commissioner of
18 agriculture be deemed sufficient. Any violation of this re-
19 quirement shall be fined not less than ten nor more than fifty
20 dollars for each offence.'

Sect. 4. Section 14 of said chapter 15 is hereby amended
2 by striking out the word "entomologist" in the second line of
3 said section and substituting therefor the word 'horticul-
4 turist;' and by striking out the word "entomology" in the
5 fourth line and substituting therefor the word 'horticulture;'
6 so that said section as amended shall read as follows:

'Sect. 14. The sub-division of the department of agricul-
8 ture under which the state horticulturist performs the duties
9 required to be done by him, by the provisions of this act,
10 shall be known as the bureau of horticulture.'