

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE

NO. 211

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*House of Representatives, Feb. 17, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Agriculture.*

*Committee on Reference.*

*Presented by Mr. Littlefield of Wells.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to amend Sections 7, 11 and 12 of 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.

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

Section 1. Section seven of Chapter 15 of the Public Laws of 1907 as amended by Chapter 34 of the Public Laws of 1909 is hereby amended as follows:

By adding after the words "brown-tail moth," in the second line, the words 'gypsy moth;' and by striking out from the forty-second, forty-third and forty-fourth lines of said sec-

7 tion the words "to an amount, however, not exceeding one  
8 per cent of the assessed valuation of the above named  
9 property"; and also by striking out the last sentence of said  
10 section, so that as hereby amended said Section 7 shall read  
11 as follows:

Should any person in the state suspect the presence of  
13 the brown-tail moth, gypsy moth or San Jose scale preying  
14 upon trees, shrubs or vines in his possession or within his  
15 knowledge he shall forthwith notify the commissioner of  
16 agriculture to that effect; and it shall be the duty of said  
17 commissioner to cause the said trees, shrubs or vines to be  
18 inspected. If sufficient cause be found the commissioner of  
19 agriculture shall forthwith notify the municipal officers of  
20 the city or town where such pests have been found. Mu-  
21 nicipal officers thus notified shall immediately cause to be  
22 destroyed such of the above named insects in their different  
23 stages as may be found within the limits of the public  
24 streets and parks. Said limit to extend to the distance of  
25 sixty feet from the center of the public streets or highways  
26 and include all trees and shrubbery growing thereon. Should  
27 such municipal officers neglect or fail within a reasonable  
28 time to perform the duties herein imposed upon them, then  
29 the commissioner of agriculture shall order such city, town  
30 or plantation to proceed to destroy the above named insect  
31 in accordance with methods to be prescribed by him and to  
32 spend such an amount in the above named work as he shall  
33 deem necessary. If the amount thus expended during one

34 full year shall exceed one-twentieth of one per cent of the  
35 tax valuation of said city or town, then the city or town  
9 36 shall be reimbursed according to Section eleven.

‘If any city, town or plantation shall fail to comply with  
38 the directions of said commissioner in the performance of  
39 said work and the expenditure of such money within the  
40 time specified by him, then the commissioner of agriculture  
41 shall cause the said work to be done and shall charge the  
42 actual expense of the same to said city or town; such  
43 amount to be collected as a state tax and credited to this  
44 appropriation.

‘Whenever a city, town or plantation is notified by the  
46 commissioner of agriculture of the presence of the brown-  
47 tail moth, gypsy moth or San Jose scale, the mayor of each  
48 city, the selectmen of each town and the assessors of each  
49 plantation shall notify each owner of real estate located  
50 therein, requiring him to destroy the above named insect  
51 in his orchard and shade trees within a specified time. If  
52 the owner fails to destroy the above named insect before  
53 the specified time, then the city, town or plantation subject  
54 to the approval of the commissioner of agriculture, shall  
55 destroy them, and shall assess upon such aforesaid real  
56 estate the actual cost of so doing. The amount so assessed  
57 shall be collected in the form of a tax. If the expense in-  
58 curred by the town in the performance of the above named  
59 duties shall exceed the last above named amount, the town  
60 shall be reimbursed by the commissioner of agriculture by

61 an amount equal to this excess, providing the work has been  
62 done according to the provisions of this act.

‘It shall be the duty of the commissioner of agriculture  
64 to disseminate information concerning the brown-tail and  
65 gypsy moths, San Jose scale and other injurious insects.

‘Cities and towns may raise the sums necessary to carry  
67 out the provisions of this section in the same manner in  
68 which money is raised for other necessary municipal pur-  
69 poses.’

Sect. 2. Section eleven of said Chapter 15 as amended  
2 by said Chapter 34 of the Public Laws of 1909 is hereby  
3 amended as follows: By adding after the words “brown-tail  
4 moth” in the fifth line, the words ‘gypsy moth;’ and by strik-  
5 ing out from the fifth, sixth and seventh lines of said section  
6 the words “but not including the gypsy moth, in any of their  
7 stages, as herein provided.” So that as hereby amended said  
8 Section 11 shall read as follows:

When any city or town shall have expended in any one cal-  
10 endar year within its limits, its funds to an amount equal  
11 to one-twentieth of one per cent of its assessed valuation  
12 of the previous year in destroying or suppressing the  
13 brown-tail moth, gypsy moth, San Jose scale and similar  
14 insects, it shall receive reimbursement from the state as  
15 follows:

‘Cities or towns having a total assessed valuation of  
17 seven hundred and fifty thousand dollars or less shall re-  
18 ceive such sums as may in the judgment of the commis-

19 sioner of agriculture have been necessarily expended by  
20 them in excess of one-twentieth of one per cent of such  
21 assessed valuation.

‘Cities or towns having a total assessed valuation of  
23 more than seven hundred and fifty thousand dollars and not  
24 exceeding one million five hundred thousand dollars as-  
25 sessed valuation, shall receive seventy-five per cent of such  
26 sum as may in the judgment of the commissioner of agricul-  
27 ture have been expended by them in excess of one-twentieth  
28 of one per cent of such valuation.

‘Cities or towns having a total assessed valuation of more  
30 than one million five hundred thousand dollars shall receive  
31 fifty per cent of such sums as may in the judgment of the  
32 commissioner of agriculture have been expended by them  
33 in excess of one-twentieth of one per cent of such valuation.

‘No city or town shall be entitled to reimbursement from  
35 the state as aforesaid until it shall have submitted, under  
36 oath, to the commissioner of agriculture its itemized, re-  
37 ceipted accounts and vouchers showing the amounts ex-  
38 pended by it in the process of destroying the above named  
39 pests according to the provisions of this act. This act ap-  
40 plies only to the actual expenditure of funds for the exter-  
41 mination of the above named pests in the above named ter-  
42 ritory, namely, “within the limits of public streets and  
43 yards,” and does not apply to the “bounty system” so called.’

Sect. 3. Section twelve of said Chapter 15 as amended  
2 by Section 7 of said Chapter 34 of the Public Laws of 1909  
3 is hereby amended by striking out from said Section 12 the

4 first paragraph, which comprises the first five lines and a  
5 part of the sixth line thereof. So that as hereby amended  
6 said Section 12 shall read as follows:

7 'Whenever any city or town shall appropriate or raise a  
8 sum of money and shall pay the same over to the state  
9 treasury for the purpose of exterminating the gypsy moth  
10 within its borders, the commissioner of agriculture shall  
11 cause such amount to be expended in such city or town as  
12 herein provided, together with an equivalent amount from  
13 the appropriation hereafter made. Provided, however, if it  
14 be found by the commissioner of agriculture unnecessary or  
15 impracticable to expend such entire amount during the year  
16 following such payment to the state treasurer one-half the  
17 amount so remaining unexpended shall be reimbursed to  
18 such city or town.'