

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 383

*In Senate, March 22, 1917.*

*Reported by Mr. Ames from Committee on State Lands and Forest Preservations, and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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An Act for the control of the White Pine Blister Rust and  
other Fungous and Insect Pests.

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

Section 1. That the fungous disease commonly known as  
2 the white pine blister rust is hereby declared to be a dan-  
3 gerous pest in all its stages; and it is the duty of the officials  
4 hereinafter named, to prosecute the measures hereinafter  
5 specified for the control of this pest.

Sect. 2. The forest commissioner is hereby authorized and

2 empowered to promulgate by letter, publication, poster or  
3 other means, information concerning the white pine blister  
4 rust and to designate by the aforesaid means of promulga-  
5 tion, areas within the state in which control measures are  
6 necessary or advisable. It shall be the duty of every land  
7 owner within such designated area, to carry out such con-  
8 trol measures as are ordered by the forest commissioner,  
9 including the removal and destruction of any or all plants  
10 of the genus ribes, commonly known as currants and goose-  
11 berries, and any white pine tree or trees, which are found  
12 to be infected with the disease. If the owner fails to de-  
13 stroy the above named plants or trees within the time speci-  
14 fied by the forest commissioner, the forest commissioner  
15 shall cause said plants or trees to be destroyed and shall  
16 charge the actual expense of same to the city, town or plan-  
17 tation within which said plants or trees are found. Such  
18 amount shall be collected as a state tax and credited to the  
19 appropriation for said purpose. The city, town or planta-  
20 tion wherein such plants or trees are found may assess the  
21 cost of the removal of said plants or trees to the owner of  
22 the real estate wherein the said plants or trees are found.  
23 The amount so assessed shall be collected in the form of a  
24 tax.

Sect. 3. The forest commissioner or his authorized agents  
2 shall have the right to enter upon any private or public  
3 lands to determine the presence or absence of the white pine  
4 blister rust in any of its stages, and to carry out the neces-

5 sary eradication measures. The above mentioned commis-  
6 sioner may cooperate with reports of the Federal Gov-  
7 ernment, the State Department of Agricultural and the Ag-  
8 ricultural Experiment Station for the control or eradication  
9 of said disease in the state, and for the carrying out of such  
10 investigations as are deemed advisable by the commissioner.

Sect. 4. Any white pine trees or currant or gooseberry  
2 bushes which are found to be infected with *cronartium*  
3 *ribicola* are hereby declared to be a public menace and any  
4 such diseased trees or plants and any and all wild plants of  
5 the genus *ribes*, may be destroyed by order of the commis-  
6 sioner or his authorized agents.

If within any designated area, as specified in Section two  
2 of this act, currant or gooseberry bushes or white pine trees  
3 which are not infected with *cronartium ribicola* are desig-  
4 nated by the commissioner or his agents for destruction, and  
5 destroyed by their specific order, the owner may be com-  
6 pensated therefor; the damages to be assessed by the com-  
7 missioner or his agents at not to exceed the actual value of  
8 the material destroyed, and paid to said owner by the state  
9 treasurer upon authorization of the commissioner. In lieu  
10 of money damages for any trees or bushes destroyed under  
11 this act the commissioner may offer and the owner may  
12 accept forest planting stock to be furnished from the State  
13 Forest Nursery, and to be paid for at cost by the com-  
14 missioner.

Sect. 5. The State Nursery Inspector, under direction of

2 the commissioner of agriculture, is hereby authorized and  
3 empowered to enter upon any land contiguous to or within  
4 the vicinity of any nursery within the state, for the purpose  
5 of determining the presence or absence of cronartium ribi-  
6 cola in any of its stages or other threatening fungous dis-  
7 ease or insect pest, and within such area he shall have the  
8 same power and duties for control and eradication of the  
9 white pine blister rust or its hosts as is vested in the forest  
10 commissioner or his agents, and shall have the power to  
11 enforce and carry out necessary measures for the control  
12 or eradication of other threatening fungous diseases or  
13 insect pests.

Sect. 6. The forest commissioner is hereby authorized  
2 and empowered to prohibit and prevent or to regulate the  
3 entry into the State of Maine or movement within the state  
4 from any part thereof to any other part, of any living five-  
5 leaved pine trees or any plants of the genus ribes, or other  
6 nursery stock or plants, which in his judgment may cause the  
7 introduction or spread of a dangerous plant disease or in-  
8 sect pest. The said official is hereby authorized to issue  
9 such orders, notifications and permits as may be necessary  
10 to carry out the provisions of this section, and any person  
11 violating any of the provisions of sections five and six shall  
12 be subject to a fine of not more than twenty dollars for  
13 each and every offense. The expenses necessary for carry-  
14 ing out sections five and six of this act shall be paid from

15 the appropriation for nursery inspection or other funds of  
16 the department of agriculture.

Sect. 7. The sum of five thousand dollars is hereby  
2 appropriated to carry into effect sections two, three and  
3 four of this act for the year ending December 31st, nineteen  
4 hundred seventeen; and the sum of five thousand dollars  
5 for the year ending December 31st, nineteen hundred  
6 eighteen.

Sect. 8. If any balance remains in the hands of the forest  
2 commissioners from the funds appropriated under section  
3 seven of this act which are not necessary for carrying out  
4 the purposes of this act, such balance shall revert to the  
5 State Contingent Fund.