

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1154

H. P. 2205

House of Representatives, April 7, 1939.

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

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Protection of Trees, Shrubs and Nursery Stock.

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

R. S., c. 43, §§ 1, 3, 5, 6, 7, amended. Sections 1, 3, 5, 6, and 7 of chapter 43 of the revised statutes are hereby amended to read as follows:

“Sec. 1. State horticulturist, his appointment; term “nursery stock” defined. The commissioner of agriculture shall appoint a state horticulturist, and the division of the department of agriculture under which such officer performs his duties shall be known as the bureau of horticulture. ~~The term “nursery stock” as used in this chapter, applies to all fruit and ornamental trees, shrubs and vines, and includes currant, gooseberry, blackberry, and raspberry bushes, and strawberry plants.~~ The term “nursery stock” as used in this chapter shall include all florist stock, trees, shrubs, vines, fruiting plants, cuttings, grafts, scions, and buds, both deciduous and evergreen, grown for sale or propagation, also herbaceous perennials, bedding plants, roots, corms, bulbs, tubers, potted plants and cut flowers, and all other plant and plant products for, or capable of, propagation, excepting field crops, vegetable plants, and vegetable and flower seeds. The term “vegetation” as used in this chapter means any tree, shrub, vine, vegetable, or other plant, or the product or any other portion of the tree, shrub, vine, vegetable, or other plant.”

'Sec. 3. Nurseries to be inspected annually. All ~~nurseries or places where trees, shrubs, vines and plants are grown or offered for sale,~~ **All nurseries or places where nursery stock is grown, stored or offered for sale** shall be inspected at least once a year by the state horticulturist or by some competent person acting under his direction, **and all such premises shall be accessible at all reasonable times for inspection,** and if no dangerous insects or fungous diseases are found therein a certificate to that effect shall be given. If such pests are found therein, the owner of the stock shall take such measures to destroy the same as the state horticulturist shall prescribe, and no certificate as aforesaid shall be given until the said horticulturist has satisfied himself that all such pests have been suppressed, **during which period no stock shall be sold, exchanged or disposed of except such as is destroyed.** Only sound, healthy nursery stock stored or displayed under conditions and with proper equipment which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold, or any other condition that makes it unable to grow or keep satisfactorily when given reasonable care is deemed a violation of the provisions of this act.'

'Sec. 5. Nursery stock shipped into state to bear certificate of inspection; further inspection; destruction or return of infested stock. All nursery stock shipped into this state from any other state, country, or province shall bear on each box or package a certificate that the contents of said box or package have been investigated by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects and diseases. **Nurserymen, dealers or other persons residing or doing business outside of the state, desiring to solicit orders for nursery stock through agents in this state, shall file a certified copy of their original state certificate with the state horticulturist, and shall keep on file with the state horticulturist a list of agents and representatives in the state.** The state horticulturist, or his competent assistants, may inspect, at the point of destination, all stock coming into the state, whether under certificate or not, and if such stock is found to be infested with any injurious insects or plant diseases, the state horticulturist shall cause it to be destroyed or returned to the consignor at the consignor's expense, if he shall so elect.'

'Sec. 6. Transportation companies not to transport uninspected stock, penalty; notice to commissioner of agriculture of consignments. No transportation company, owner or owners of nursery stock, or person selling nursery stock, shall bring into this state or shall transport, or cause to be transported, within this state, any nursery stock ~~such as trees, shrubs,~~

vines, cuttings, or buds, excluding therefrom cut flowers, potted plants and cut greens, unless each box or package of such nursery stock shall have affixed thereto an unexpired official certificate of inspection which shall meet the requirements specified in section 5. Whoever violates this provision shall be punished by a fine of not more than \$100 for each offense. All transportation companies shall immediately, upon receiving consignments of such stock notify the commissioner of agriculture of the fact that such consignments are in their possession, or en route to some point within the state, and give the names and addresses of the consignor and consignee, destination of each shipment, the name of the transportation company bringing such stock, and the road or roads over which it is brought, and shall also make such further report relative to such shipments as the commissioner of agriculture may from time to time require.'

'Sec. 7. Agents and dealers in nursery stock to obtain a license; fee; disposition of fees; revocation of license; penalty. No person, firm or corporation ~~excepting those growing all the nursery stock they sell,~~ shall engage in, continue in, or carry on the business of selling or dealing in nursery stock, or solicit purchases of nursery stock within this state, either as owner thereof, or as agent of such owner, without first obtaining a license to carry on and conduct such business in this state. The form of license shall be prescribed by the state horticulturist, and the licenses shall be issued by him upon proper application therefor, ~~and shall be in force for one year from date of issue. The license fee shall be five dollars a year for agents, dealers, salesmen, or solicitors.~~ and shall expire on **December 31st of each year. The license fee shall be \$5 per year, excepting that for growers of strawberry, blackberry and raspberry plants, gladiolus, dahlias, and herbaceous plants out-of-doors, and whose total area of land devoted to those plants does not exceed ¼ acre, there shall be no license fee.** The license shall be issued in the name of the **nurseryman,** dealer, solicitor, salesman, or agent, as the case may be, and no license shall be assigned or transferred. Licenses of salesmen, dealers, agents, or solicitors shall show the name and location of nursery and place of business of the nurserymen or tree dealers whom they represent or from whom they purchase their stock. Each separate agent and each separate store acting under a general agent or store must have a license as provided in this section. Fees obtained from such licenses shall be paid into the state treasury and added to the appropriation of the bureau of horticulture, ~~and shall be used exclusively for the inspection of nursery stock introduced into the state from outside the state.~~ **to carry out the purposes of this act.** Such license may be revoked at any time for failure to comply with the aforesaid re-

quirements, or for such other causes as may in the opinion of the commissioner of agriculture be sufficient. Any violation of this section shall be punishable by a fine of not less than \$10, nor more than \$50 for each offense.'