

MAINE STATE LEGISLATURE

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

Legislative Document

No. 792

H. P. 1334

House of Representatives, February 11, 1941.

Referred to Committee on Agriculture and sent up for concurrence.
750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Cross of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Sale of Nursery Stock.

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

Sec. 1. R. S., c. 43, § 3, amended. Section 3 of chapter 43 of the revised statutes, as amended by chapter 247 of the public laws of 1939, is hereby further amended to read as follows:

‘Sec. 3. Nurseries to be inspected annually. 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 sections 3, 5, 6 and 7 of this chapter.'

Sec. 2. R. S., c. 43, § 7, amended. Section 7 of chapter 43 of the revised statutes, as amended by chapter 247 of the public laws of 1939, is hereby further amended to read as follows:

'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 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 expire on December 31 of each year. The license fee shall be ~~\$5~~ \$1 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 $\frac{1}{4}$ 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, to carry out the purposes of sections 1 to 12, inclusive, of this chapter. Such license may be revoked at any time for failure to comply with the aforesaid requirements, 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.'