

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Legislative Document

No. 546

S. P. 210

In Senate, February 10, 1953.

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Fuller of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Insects and Diseases of Trees.

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

Sec. 1. R. S., c. 27, §§ 131, 137, 138, 139, repealed. Sections 131, 137, 138 and 139 of chapter 27 of the revised statutes are hereby repealed.

Sec. 2. R. S., c. 32, §§ 16-A - 16-H, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto 8 new sections to be numbered 16-A to 16-H, inclusive, to read as follows:

'Insects and Diseases of Trees

Sec. 16-A. Survey work. The state entomologist or his agents, under the supervision of the forest commissioner, may go on any lands for the purpose of surveying and inspecting any shade, ornamental and forest trees whenever he may suspect that any dangerous native or exotic insect or disease may be present, and may do any work involved in ascertaining the presence of such organisms. If the survey work requires the placing of so called "trap" material on developed lands in incorporated areas he must first notify the owner of his plans.

Sec. 16-B. Information and recommendations. If sufficient problem is found resulting from any insect or disease attack on trees, the state entomologist or his agents, under the supervision of the forest commissioner,

shall give this information to the owner of the land involved, and to the municipal officials if in a municipality. He or his agents may or shall upon request also make recommendaitons to landowners and municipal officials if further inspection or control work is needed. This will include information on life cycles or phases of the insect or disease.

Sec. 16-C. Control measures. Any public agency or group of owners carrying on or planning a control project may appeal to the forest commissioner for permission to carry out the project, in case the owner or owners of property in or adjacent to the control area refuses to do control work or to allow control work to be done on his property. The state entomologist or his agents, under the supervision of the forest commissioner may, after careful inspection and survey has shown a serious problem exists, grant authority for control measures to be carried out on the protestors' lands.

Sec. 16-D. Advice. For the purpose of improving the over-all health of trees the state entomologist or his agents, under the supervision of the forest commissioner, may advise municipalities or private owners on their forest, shade or ornamental tree problems and recommend programs for the general improvement of such trees.

Sec. 16-E. Research. Research work to find the best methods of control may be carried on by the state entomologist or his agents, under the supervision of the forest commissioner.

Sec. 16-F. Emergencies. Responsibility for control of insect and disease outbreaks shall, in all but emergencies, rest with the owners of the property whether private or public.

Emergencies shall be so considered when in the opinion of the forest commissioner the infestation or infection is likely to kill or seriously injure trees in large numbers, or so localized that immediate control will prevent a large possible outbreak, or of recent foreign origin, or apt to create a public health nuisance.

In emergencies the state entomologist or his agents, under the supervision of the forest commissioner, may enter into agreement with municipal officials to pay up to $\frac{1}{2}$ the cost of control if state funds are available for this purpose. Whenever the state does contribute funds for this purpose it shall have the authority to determine the control methods to be used. The state may make similar agreements with groups of private owners if the project is approved by municipal officials.

In emergency control programs spraying, dusting, eradication or other control measures may be done directly by the state or may be done on a contract basis with responsible private companies or individuals.

Sec. 16-G. Gypsy and brown-tail moths public nuisances. For the purpose of the following sections the gypsy moth and brown-tail moths are declared public nuisances, and their suppression is authorized but no owner or occupant of real estate infested by such nuisances shall by reason thereof be liable to an action civil or criminal.

The state entomologist or his agents, under the supervision of the forest commissioner, may assist in enforcing gypsy and brown-tail moth quarantine laws using such funds in the division of entomology as may be available.

Sec. 16-H. Control of gypsy moth and brown-tail moth. Whenever any city or town shall appropriate or raise a sum of money and shall pay the same into the state treasury for the purpose of controlling the gypsy and brown-tail moths within its borders, the forest commissioner shall cause such amount to be expended in such city or town as herein provided, together with such sum as may be determined by the forest commissioner from the state appropriation made therefor. However, if the forest commissioner finds it to be unnecessary or impracticable to expend such entire amount or any part thereof during the year following such payment to the treasurer of state, the unexpended proportion shall be reimbursed to such city or town.'