

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 1408

S. P. 515

In Senate, April 1, 1955.

Reported by Senator Butler of Franklin from Committee on Natural Resources and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

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. 36, § 21, amended. Section 21 of chapter 36 of the revised statutes is hereby amended by adding at the end thereof a new sentence to read as follows:

'He or his agents may also post notice on infested or diseased trees stating the name of the pest and remedial measures advocated.'

Sec. 2. R. S., c. 36, § 22, amended. Section 22 of chapter 36 of the revised statutes is hereby amended by adding at the end thereof the following paragraphs:

'The State Entomologist or his agents, under the supervision of the Forest Commissioner, is hereby granted authority as a part of a control project to condemn a tree or trees for treatment, removal or destruction when such condemnation is essential to the health of trees. Notice of condemnation shall be given to the owner. Immediately thereafter and with consent of the owner the tree or trees may be treated, removed or destroyed; except that consent of the owner shall not be necessary when elm trees are diseased. Condemnation, treatment, removal or destruction costs shall be borne by those exercising control.

Before aerial spraying, when poisons are to be used over compactly settled, urban, residential areas, permission must first be obtained by vote of the town residents, or in the case of cities by vote of the city government following a public hearing.'

Sec. 3. R. S., c. 36, § 25, repealed and replaced. Section 25 of chapter 36 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 25. Emergencies. 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 to create a public nuisance, or is of exotic origin.

In extensive emergencies covering large areas the State Entomologist or his agents, under the supervision of the Forest Commissioner, may enter into agreement with municipalities and other public agencies, private groups or individuals to carry out control projects, including chemical applications from the air, actively or financially, and the State may pay up to $\frac{1}{2}$ the cost of control if funds are available. In organized municipalities projects must be approved by municipal officers.

In localized emergencies over small areas involving a few trees as sources for spread of dangerous pest infestations, or infections, the State Entomologist or his agents, under the supervision of the Forest Commissioner, may carry out control projects including chemical applications from the air, with available state funds.

The State shall have authority to determine control methods on any projects involving state funds.

Any 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.

To insure proper and economic completion of airplane spraying projects the State Highway Commission, upon request from the Forest Commissioner, may close a highway for airplane operations for short, necessary periods.

The provisions of sections 2 and 22 shall apply to this section.'

Sec. 4. R. S., c. 36, § 26, repealed and replaced. Section 26 of chapter 36 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 26. Quarantine. The State Entomologist or his agents, under the supervision of the Forest Commissioner, may use available funds to assist in enforcement of Federal and State quarantine laws established for preventing spread of insects and diseases of trees.'

Sec. 5. R. S., c. 36, § 27, repealed. Section 27 of chapter 36 of the revised statutes is hereby repealed.