

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

CHAP. 111**Chapter 111.**

An Act to amend Section ninety-eight of Chapter eighty-two of the Revised Statutes, relating to Evidence.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 98 of chapter 82, R. S., amended.

Section 1. Section ninety-eight of chapter eighty-two of the revised statutes, is hereby amended by adding a sixth exception, as follows:

Executors and administrators may testify to facts happening before death of person whom they represent.

'Sixth. In all actions brought by an executor, administrator or other legal representative of a deceased person, such representative party shall not be excused from testifying to any facts admissible upon general rules of evidence, happening before the death of such person, if so requested by the opposite party. But nothing herein shall be so construed as to enable the adverse party to testify against the objection of the plaintiff when the plaintiff does not voluntarily testify.'

Section 2. This act shall take effect when approved.

Approved March 18, 1903.

Chapter 112.

An Act to provide for the protection of Trees and Shrubs from injurious insects and diseases.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Inspection of nursery stock.

Section 1. 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 inspected by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects or diseases. In case nursery stock is brought into the state without such a certificate the consignee shall return it to the consignor at the expense of the latter; provided, however, that any box or package bearing a certificate of fumigation, which shall be an affidavit made before a justice of the peace that all stock sold by the consignor has been fumigated in a manner approved by the state nursery inspector of the state from which said nursery stock is shipped, the same may be accepted as though bearing a proper certificate of inspection.

—nursery stock brought into the state without certificate of inspection, shall be returned.
—proviso.

Penalty for transporting or selling un-inspected nursery stock.

Section 2. Any transportation company that shall bring into this state any nursery stock such as trees, shrubs, vines, cuttings or buds, and any transportation company, owner or owners of

nursery stock, or persons selling nursery stock as thus defined, who shall transport such stock or cause it to be transported within the state, the same not having attached to each box or package an unexpired official certificate of inspection or an affidavit of fumigation, which shall meet the requirements specified in section one of this act, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine not exceeding one hundred dollars for each offense.

Section 3. Should any person in the state suspect the presence of San Jose scale or other injurious insects or diseases preying upon trees, shrubs or vines in his possession or within his knowledge he shall forthwith notify the commissioner of agriculture to that effect; and it shall be the duty of said commissioner of agriculture to cause the said trees, shrubs or vines to be inspected by a competent entomologist, who shall forthwith make a report of the results of his inspection and file the same with the commissioner of agriculture at Augusta. If dangerous insects or injurious diseases are found by the entomologist the commissioner of agriculture shall publish the report of the same, and see that the best known treatment is applied to such trees, shrubs or vines for the destruction of the insects or diseases with which the same may be infested. And for the above purposes the commissioner of agriculture or his employes shall have authority to enter private or public grounds and treat any trees, shrubs or vines that may be infested with dangerous insects or injurious diseases.

Suspected presence of injurious insects shall be reported to commissioner of agriculture,

—duty of commissioner of agriculture,

—may enter private or public grounds to treat trees.

Section 4. In case of violations of this act it shall be the duty of the commissioner of agriculture to enforce the penalties set down in section two of this act.

Enforcement of penalties.

Section 5. This act shall take effect when approved.

Approved March 18, 1903.

Chapter 113.

An Act to regulate Costs in the taking of lands or other property for public uses.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. In all proceedings for the estimation of damages for the taking of lands or other property, under any general or special law, if the owner of the land, after an award made by the county commissioners enters an appeal therefrom and fails to obtain a final judgment for an amount greater than the

Appellant subject to costs, when judgment is not greater than award.