

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 28.

An Act additional to Chapter forty-nine of the Revised Statutes, defining Fraternal Beneficiary Associations doing business in eighteen hundred and eighty-nine.

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

Section 1. Chapter forty-nine of the revised statutes is hereby amended by adding thereto the following section.

'Section 158. Fraternal beneficiary associations transacting business in this state on the twenty-eighth day of February, eighteen hundred and eighty-nine, as herein defined and named in section one hundred and forty-two of this chapter, shall be construed to include those so transacting business through their supreme bodies, or by a subordinate body, or by one affiliated therewith or rendering allegiance thereto, or by an organization embracing a portion of the territory of any such association and at that time or subsequent thereto contributing to its funds, or by one using its ritualistic work and calling its members by the same general name; and no change since that time or hereafter, in the internal divisions or operations of any such association, or its relations with subordinate bodies, shall deprive it of the power to so transact business through its supreme body and subordinate and affiliated divisions or agents.'

Section 2. All proceedings heretofore taken in accordance with the foregoing construction of said section one hundred forty-two are hereby confirmed and legalized.

Section 3. This act shall take effect when approved.

Approved February 28, 1905.

Chapter 49,
R. S.,
amended.

Fraternal
beneficiary
organizations
doing
business
February 28,
1889.

—to include
those doing
business
through
supreme or
subordinate
orders.

Prior
proceedings
confirmed
and legalized.

Chapter 29.

An Act to provide for the protection of Trees and Shrubs from the introduction and ravages of dangerous insects and diseases.

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

Section 1. All nurseries or places where trees, shrubs, vines and plants are grown or offered for sale, shall be inspected at least once a year by a competent entomologist to be employed by the commissioner of agriculture; and if no dangerous insects or diseases are found a certificate to that effect shall be issued by the said commissioner of agriculture; said certificate shall contain also the name of the entomologist and the date when said examination is made.

Nurseries to
be inspected
annually.

CHAP. 29

—entomologist shall report in writing.

—owner shall be notified by commissioner of agriculture.

The entomologist employed for this purpose shall report in writing immediately the results of his examination.

Any proprietor or owner of nurseries or places where trees, shrubs, vines and plants are found to be infected with dangerous insects or diseases shall be notified of the same by the commissioner of agriculture at once; such proprietor, owner or his agents are hereby prohibited selling or offering for sale such trees, shrubs or plants, unless the same have been fumigated or otherwise treated under the direction of the commissioner of agriculture, and such trees, shrubs or plants shall bear a certificate of the same. Any violation of this requirement shall be fined not more than fifty dollars for each and every offense.

Nursery stock shipped into state shall be inspected.

—stock not inspected to be returned to consignor.

—proviso.

Section 2. 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 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.

Transportation companies shall not transport uninspected stock.

—penalty.

Section 3. 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.

Duties of commissioner of agriculture.

Section 4. It shall be the duty of the commissioner of agriculture to make full investigation of any locality when the presence of the brown-tail or gypsy moths or other injurious insects or plant diseases may be suspected. Should any person in the state suspect the presence of the brown-tail, the gypsy moth, the 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. It shall be the duty of the commissioner of agriculture to disseminate information concerning the brown-tail moth, the gypsy moth and other injurious insects or plant diseases. Wherever such insects or diseases may be found it shall also be the duty of said commissioner to at once proceed to exterminate or control all such insects and plant diseases as may come to his knowledge within the limits of the means at his disposal.

Section 5. For the purpose of inspecting any trees, shrubs or plants supposed to be infected with dangerous insects or diseases, the authorized entomologist shall have the right to enter private or public grounds, and for the purpose of exterminating or controlling any dangerous insects or diseases that may be found infecting trees, shrubs, or plants, the commissioner of agriculture and his employees and municipal officers and their employees shall have the right to enter private and public grounds.

Entomologist
may enter
private or
public
grounds.

Section 6. For the purpose of carrying into effect the provisions of this act the sums of five thousand dollars for the year nineteen hundred and five and for the year nineteen hundred and six, or such part thereof as may be necessary, are hereby appropriated.

Appropriation for
carrying out
provisions of
this act.

Section 7. In case of violation of this act it shall be the duty of the commissioner of agriculture to enforce the penalties set down in sections one and three of this act.

Penalties,
how enforced.

Section 8. The statute law entitled "An Act for the protection of trees and shrubs from injurious insects and diseases," is hereby repealed.

Former
statute
repealed.

Section 9. This act shall take effect when approved.

Approved February 28, 1905.