

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

'Section 7. The director of the Maine Agricultural Experiment Station shall diligently enforce the provisions of this act, and, in his discretion, prosecute offenses against the same.'

Shall enforce provisions of this act.

Section 3. This act shall take effect when approved.

Approved February 13, 1907.

Chapter 14.

An Act to make plain the provisions of Section nine, Chapter one hundred thirty-nine of the Revised Statutes, relating to Extradition.

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

Section 1. In order that the meaning of section nine, chapter one hundred thirty-nine of the revised statutes may be made plain and more certain, said section is amended so as to read as follows:

Section 9, chapter 139, R. S., amended.

'Section 9. When such demand as is mentioned in section seven is made on the governor of this state, he may investigate all the material facts which come to his knowledge and determine the expediency of complying therewith, and if he is satisfied, on examination of the grounds thereof, that it is according to law and ought to be granted, he shall issue his warrant, under the seal of the state, authorizing the agent making the demand, at his own expense to take and transport such fugitive to the line of the state, at the time designated in the warrant, and shall therein require the civil officers of the state to afford all needful aid in its execution.'

Governor may issue his warrant to surrender fugitives found in this state.

Section 2. Said act shall take effect when approved.

Approved February 15, 1907.

Chapter 15.

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. Chapter twenty-nine of the public laws of nineteen hundred and five, entitled "An Act to provide for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases," is hereby repealed.

Chapter 29, public laws 1905, repealed.

Section 2. For the purposes of this act the gipsy and brown-tail moths in their different stages, are hereby declared public nuisances, and their suppression is authorized and required, but

Gipsy and brown-tail moths, public nuisances.

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no owner or occupant of real estate infested by such nuisance shall by reason thereof be liable to an action civil or criminal except to the extent and in the manner and form herein set forth.

Nurseries to be inspected annually.

—entomologist shall report in writing.

—owner shall be notified by commissioner of agriculture.

Section 3. 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 the state entomologist appointed 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 be signed by the entomologist and bear the date when said examination is made. 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.

—consignee shall notify consignor.

—proviso.

Section 4. 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 certificate the consignee shall at once notify the consignor; 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.

Section 5. Any transportation company that shall bring into this state any nursery stock such as trees, shrubs, vines, cuttings or buds, or 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 two 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.

—penalty.

Section 6. Any nursery stock shipped into this state which may be infected with brown-tail, gipsy moth, San Jose scale or other injurious insects or diseases, whether bearing a certificate or not, may be seized by the state entomologist who shall apply to any municipal or police court or trial justice in the county where such seizure is made for process to cause the same to be destroyed. If the owner is known a copy of such application shall be served upon him in hand by an officer qualified to serve civil processes, with an order of court to appear at a time and place named to show cause why such property should not be destroyed, and its value fixed. If the owner is not known, then the court shall order notice to be posted in two public and conspicuous places in the town where such seizure is made, stating the case in substance and giving forty-eight hours notice of a hearing thereon. At such hearing if it appears that such property is infected with brown-tail, gipsy moth, San Jose scale or other injurious insects or diseases the court shall determine the value of such property and shall issue process directing the officer to destroy the same.

Infected nursery stock may be seized.

—owner shall be served with application.

—property may be destroyed.

Section 7. Should any person in the state suspect the presence of the brown-tail moth or San Jose scale 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 to cause the said trees, shrubs or vines to be inspected. If sufficient cause be found the commissioner of agriculture shall forthwith notify the municipal officers of the city or town where such pests have been found. Municipal officers thus notified shall immediately cause to be destroyed such of the above named insects in their different stages as may be found within the limits of public streets and parks. Should such municipal officers neglect or fail within a reasonable time to perform the duties herein imposed upon them then the commissioner of agriculture, with the advice and consent of the governor and council, shall order such city or town to proceed to destroy the above named insects in accordance with methods to be prescribed by him and to spend such an amount in the above named work as he shall deem necessary, not exceeding, however, during any one full year, one-twentieth of one per cent of the tax valuation of said city or town for the preceding year.

Commissioner of agriculture to be notified.

—municipal officers to be notified.

—towns may be ordered to destroy insects.

Any city or town failing to comply with the directions of said commissioner in the performance of said work and the expenditure of such money within the time specified by him, then the commissioner of agriculture shall cause the said work to be

Failure to comply with directions.

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—amount to be expended.

Owner of real estate to be ordered to destroy insects.

—when town shall destroy.

Duty of commissioner of agriculture.

Towns may raise money.

Commissioner of agriculture may enter private and public grounds.

Streets and highways may be patrolled.

—carriages, etc., may be examined.

Penalty for obstructing commissioner or officer.

done and shall charge the actual expense of the same to said city or town; the amount, however, not to exceed one-twentieth of one per cent of the total valuation of such city or town, such amount to be collected as a state tax.

Whenever a city or town is notified by the commissioner of agriculture of the presence of the brown-tail moth or San Jose scale, the mayor of each city and the selectmen of each town shall notify each owner of real estate located therein, requiring him to destroy the above named insects on his orchard and shade trees within a specified time. If the owner fails to destroy the above named insects before the specified time, then the city or town, subject to the approval of the commissioner of agriculture, shall destroy them, and shall assess upon such aforesaid real estate the actual cost of so doing, to an amount, however, not exceeding one-tenth of one per cent of the assessed valuation of the above named property. The amount so assessed shall be collected in the form of taxes.

It shall be the duty of the commissioner of agriculture to disseminate information concerning the brown-tail and gipsy moths, San Jose scale and other injurious insects or plant diseases.

Cities and towns may raise the sums necessary to carry out the provisions of this section in the same manner in which money is raised for other necessary municipal purposes.

Section 8. For the purpose of inspecting any trees, shrubs or plants supposed to be infected with dangerous insects or diseases, 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.

Section 9. The commissioner of agriculture shall have the power to cause any street or highway within the state leading from any neighboring state or province, or from any infected district, to be patrolled or watched, and all carriages, automobiles, or other vehicles examined, and any brown-tail or gipsy moths, caterpillars or pupæ found thereon removed before said vehicles may proceed; and may make such regulations for giving notice of this provision and for the enforcement of the same as may be necessary.

Section 10. Any person who shall purposely resist or obstruct such commissioner or any person or persons under his employ, or any officer or agent of a city or town while engaged in the execution of the purposes of this act, shall be punished by a fine not exceeding twenty-five dollars for each offense.

Section 11. When any city or town shall have expended in any one calendar year, within its limits, its funds to an amount equal to one-twentieth of one per cent of its assessed valuation of the previous year in destroying or suppressing the brown-tail moth, San Jose scale and similar insects, but not including the gipsy moth, in any of their stages, as herein provided, it shall receive reimbursement from the state as follows:

Cities or towns having a total assessed valuation of seven hundred and fifty thousand dollars or less shall receive such sums as may in the judgment of the commissioner of agriculture have been necessarily expended by them in excess of one-twentieth of one per cent of such assessed valuation.

Cities or towns having a total assessed valuation of more than seven hundred and fifty thousand dollars and not exceeding one million five hundred thousand dollars assessed valuation, shall receive seventy-five per cent of such sum as may have been expended by them in excess of one-twentieth of one per cent of such valuation.

Cities or towns having an assessed valuation of more than one million five hundred thousand dollars shall receive fifty per cent of such sum as may have been expended by them in excess of one-twentieth of one per cent of such valuation.

No city or town shall be entitled to reimbursement from the state as aforesaid until it shall have submitted to the commissioner of agriculture its itemized receipted accounts and vouchers showing the amounts expended by it for the purposes herein specified, nor until such vouchers and accounts have been approved by the commissioner of agriculture.

Section 12. Whenever any city or town shall appropriate or raise a sum of money and shall pay the same over to the state treasurer for the purpose of exterminating the gipsy moth within its borders the commissioner of agriculture shall cause such sum to be expended in such city or town as herein provided, together with an equivalent amount from the appropriation hereafter made. Provided, however, if it be found by the commissioner of agriculture unnecessary or impracticable to expend such entire amount during the year following such payment to the state treasurer, one-half of the amount so remaining unexpended shall be reimbursed to such city or town.

Section 13. For the purpose of carrying into effect the provision of this act the sums of thirty thousand dollars for the year nineteen hundred and seven and thirty thousand dollars for the year nineteen hundred and eight, or such part thereof as may be necessary, are hereby appropriated.

Section 14. The sub-division of the department of agriculture under which the state entomologist performs the duties

Reimbursement from state, how determined.

Towns having valuation of \$750,000 or less.

Towns having valuation of \$750,000 to \$1,500,000.

Towns of more than \$1,500,000 valuation.

Reimbursement from state, requirements for.

Commissioner of agriculture to expend money in towns.

—proviso.

Appropriation.

Bureau of Entomology.

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Commis-
sioner of
agriculture
to enforce
penalties.

required to be done by him, by the provisions of this act, shall be known as the bureau of entomology.

Section 15. 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 three and five of this act.

Section 16. This act shall take effect when approved.

Approved February 15, 1907.

Chapter 16.

An Act to amend Section twenty-five of Chapter nine of the Revised Statutes, relating to taxation of property of Manufacturing, Mining and Smelting corporations.

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

Section 25,
chapter 9,
R. S.,
amended.

Section 1. Section twenty-five of chapter nine of the revised statutes is hereby amended by inserting after the word "manufactured" in the sixth line thereof, the words 'and the buildings and lands and other property of agricultural and stock raising corporations shall be taxed to the corporation, or to the person having possession of the property, in the towns where the buildings and lands are situated and where the personal property is kept,' so that said section, as amended, shall read as follows:

Property of
manufactur-
ing, mining
and smelting
corporations,
how taxed.

'Section 25. The buildings, lands and other property of manufacturing, mining and smelting corporations, made personal by their charters, and not exempt from taxation, and all stock used in factories, shall be taxed to the corporation, or to the persons having possession of their property or stock, in the town or place where the corporations are established, or the stock is manufactured; and the buildings and lands and other property of agricultural and stock raising corporations shall be taxed to the corporation, or to the person having possession of the property, in the towns where the buildings and lands are situated and where the personal property is kept; and there shall be a lien for one year on such property and stock for payment of such tax, and it may be sold for payment thereof, as in other cases; and shares of the capital stock of such corporations shall not be taxed to their owners.'

—property of
stock raising
corporations,
how taxed.

—lien.

Section 2. This act shall take effect when approved.

Approved February 15, 1907.