

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAPTER 176

Chapter 176.

An Act to amend Chapter fifteen of the Public Laws of nineteen hundred and seven, as amended by Chapter thirty-four of the Public Laws of nineteen hundred and nine, relating to the Protection of Trees and Shrubs from the introduction and ravages of dangerous Insects and Diseases.

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

Section 3, chapter 15, public laws 1907, as amended by section 1, chapter 34, public laws, 1909 further amended.

Section 1. Section three of chapter fifteen of the public laws of nineteen hundred and seven, as amended by section one of chapter thirty-four of the public laws of nineteen hundred and nine, is hereby amended by striking out the word "entomologist," in lines three, five, nine, eleven, thirteen, nineteen, twenty-three and twenty-five of said section and inserting in place thereof the word 'horticulturist,' so that the said section as amended shall read as follows:

Nurseries to be inspected annually.

'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 horticulturist appointed by the commissioner of agriculture, or by some person acting under the direction of the state horticulturist and by him deemed competent, and if no dangerous insects or fungous diseases are found therein a certificate to that effect shall be given. If such pests are found therein, the owner of the stock shall take such measures to destroy the same as the state horticulturist shall prescribe, and no certificate as aforesaid shall be given until the said horticulturist has satisfied himself that all such pests have been suppressed.

State horticulturist may inspect any orchard, field or garden.

The state horticulturist, either personally or through competent assistants as aforesaid, may inspect any orchard, field, garden or roadside in public or private grounds, which he or they may know or have reason to suspect to be infested with the San Jose scale or any serious pest or infectious disease, when in his or their judgment such pests or infectious diseases are a menace to adjoining owners; and the state horticulturist may order the owner, occupant or person in charge thereof in writing, to properly spray or give other suitable treatment, or to cut and destroy any such diseased trees or shrubs, if in the opinion of the state horticulturist such action is necessary. If the owner of such orchard, field or garden neglects or refuses to comply with such written order of the said horticulturist, he shall be fined not less than ten dollars nor more than fifty dollars for each offence.'

—diseased trees or shrubs to be destroyed by owner.

—penalty.

Section 4, chapter 15, as amended by section 2, public laws 1909, further amended.

Section 2. Section four of said chapter fifteen, as amended by section two of the public laws of nineteen hundred and nine, is hereby amended by striking out the word "entomologist," in

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the seventh and eleventh lines, and substituting therefor the word "horticulturist," so that the section shall read as follows:

'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 and diseases.

Nursery stock shipped into this state shall bear certificate of inspection.

The state horticulturist, or his competent assistants as aforesaid, shall have power to inspect, at the point of destination, all stock coming into the state, whether under certificate or not, and should such stock be found to be infested with any injurious insects or plant diseases, the state horticulturist shall cause it to be destroyed or returned to the consignor at the consignor's expense, if he shall so elect.

—state horticulturist may inspect and cause to be destroyed, infested stock.

All prosecutions under the provisions of this act shall be instituted by the commissioner of agriculture and shall be directed by him and all penalties and costs recovered from the violation of any provision of this act shall be paid into the state treasury, to be kept as a fund for the use of the commissioner of agriculture in the enforcement of this act and as an addition to the appropriation made in this act to be drawn from the treasury in the same manner as said appropriation.'

—prosecutions, by whom instituted and directed.

Section 3. Section six of said chapter fifteen of the public laws of nineteen hundred and seven, as amended by section three of the public laws of nineteen hundred and nine is hereby amended by striking out the word "entomologist," in the third and fifth lines of the first paragraph of said section, and substituting therefor the word 'horticulturist,' so that said paragraph shall read as follows:

Section 6, chapter 15, public laws 1907, as amended by section 3, public laws 1909 further amended.

'Section 6. Agents or other parties excepting growers who wish to sell nursery stock shall make application for an agent's license and shall file with the state horticulturist the names and addresses of nurseries or parties from which they purchase their stock. On receipt of such application the state horticulturist shall issue an agent's license valid for one year in such form and with such provisions as the commissioner of agriculture may prescribe. Such license may be revoked at any time for failure to report names and addresses of nurseries from which stock is purchased or for such other causes as may in the opinion of the commissioner of agriculture be deemed sufficient. Any violation of this requirement shall be fined not less than ten nor more than fifty dollars for each offence.'

Agents for sale of nursery stock shall be licensed.

—license may be revoked.

—penalty.

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Section 14,
chapter 15,
public laws
1907, amend-
ed.

Bureau of
horticulture.

Section 4. Section fourteen of said chapter fifteen is hereby amended by striking out the word "entomologist" in the second line of said section and substituting therefor the word 'horticulturist;' and by striking out the word "entomology" in the fourth line and substituting therefor the word 'horticulture;' so that said section as amended shall read as follows:

'Section 14. The sub-division of the department of agriculture under which the state horticulturist performs the duties required to be done by him, by the provisions of this act, shall be known as the bureau of horticulture.'

Approved March 30, 1911.

Chapter 177.

An Act requiring Street Railroads to file profiles with their Locations.

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

Profiles of
proposed lo-
cations of
street rail-
roads shall
be filed.

In all proceedings before the railroad commissioners by street railroad corporations, involving the approval of locations outside of the limits of streets, roads or ways, such corporations shall file profiles of the proposed location outside of the limits of streets, roads or ways and such profiles of the streets, roads or ways as may be material to the inquiry into the approval of the proposed location. Such profiles shall be on the relative scales of profile paper in common use.

Approved March 30, 1911.

Chapter 178.

An Act to amend Chapter two, Section thirty-nine of the Revised Statutes, relating to persons before whom the oaths, required by the constitution to qualify civil officers, may be taken and subscribed.

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

Section 39,
chapter 4, R.
S., amended.

Section thirty-nine of chapter two of the revised statutes is hereby amended by adding the following words:

'Such persons shall exercise their powers and duties and shall be commissioned to act within and for every county. This act shall apply to such persons already appointed and commissioned, and shall validate any acts heretofore or hereafter done by them which would be valid hereunder,' so that said section as amended shall read as follows:

Qualifying
officers, how
appointed.

'Section 39. The governor, with the advice and consent of the council, may appoint in every county, persons before whom the oath, required by the constitution to qualify civil officers,