

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
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OF THE
STATE OF MAINE

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CHAPTER 43.

Extermination of Insect Pests. Bee Industry.

Sections 1-13. Protection of Trees and Shrubs.
Sections 14-17. European Corn Borer.
Sections 18-20. Bee Industry.

Protection of Trees and Shrubs.

Sec. 1. State horticulturist, his appointment; term "nursery stock" defined. R. S. c. 38, §§ 1, 14. The commissioner of agriculture shall appoint a state horticulturist, and the division of the department of agriculture under which such officer performs his duties shall be known as the bureau of horticulture. The term "nursery stock" as used in this chapter, applies to all fruit and ornamental trees, shrubs and vines, and includes currant, gooseberry, blackberry, and raspberry bushes, and strawberry plants. The term "vegetation" as used in this chapter means any tree, shrub, vine, vegetable, or other plant, or the product or any other portion of the tree, shrub, vine, vegetable, or other plant.

Sec. 2. Gipsy and brown-tail moths public nuisances; duty of commissioner; penalty for obstructing commissioner or officer. R. S. c. 38, § 2. For the purposes of the nine following sections the gipsy and brown-tail moths in their different stages, are hereby declared public nuisances, and their suppression is authorized and required, but 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. The commissioner of agriculture shall disseminate information concerning brown-tail and gipsy moths, San Jose scale, and other injurious insects; and the entire work of suppressing the gipsy moth in all its forms shall be done under the direct charge of the said commissioner. Any person who purposely resists or obstructs the said 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 section and the nine following sections, shall be punished by a fine of not more than twenty-five dollars for each offense.

Sec. 3. Nurseries to be inspected annually. R. S. c. 38, § 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 or by some competent person acting under his direction, 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.

Sec. 4. State horticulturist may inspect any orchard, field, or garden; diseased trees or shrubs to be destroyed; penalty. R. S. c. 38, § 4. The state horticulturist, either personally or through competent assistants, 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 in writing order the owner, occupant or person in charge thereof, 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, he shall be punished by a fine of not less than ten dollars, nor more than fifty dollars for each offense.

Sec. 5. Nursery stock shipped into state to bear certificate of inspection; further inspection; destruction or return of infested stock. R. S. c. 38, § 5. 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. The state horticulturist, or his competent assistants, may inspect, at the point of destination, all stock coming into the state, whether under certificate or not, and if such stock is 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.

Sec. 6. Transportation companies not to transport uninspected stock; penalty; notice to commissioner of agriculture of consignments. R. S. c. 38, § 6. No transportation company, owner or owners of nursery stock, or person selling nursery stock, shall bring into this state or shall transport, or cause to be transported, within this state, any nursery stock such as trees, shrubs, vines, cuttings, or buds, unless each box or package of such nursery stock shall have affixed thereto an unexpired official certificate of inspection which shall meet the requirements specified in section five. Whoever violates this provision shall be punished by a fine of not more than one hundred dollars for each offense. All transportation companies shall immediately, upon receiving consignments of such stock notify the commissioner of agriculture of the fact that such consignments are in their possession, or en route to some point within the state, and give the names and addresses of the consignor and consignee, destination of each shipment, the name of the transportation company bringing such stock, and the road or roads over which it is brought; and shall also make such further report relative to such shipments as the commissioner of agriculture may from time to time require.

Sec. 7. Agents and dealers in nursery stock to obtain a license; fee; disposition of fees; revocation of license; penalty. R. S. c. 38, § 7. 1917, c. 214. No person, firm or corporation, excepting those growing all the nursery stock they sell, shall engage in, continue in, or carry on the business of selling or dealing in nursery stock, or solicit purchases of nursery stock within this state, either as owner thereof, or as agent of such owner, without first obtaining a license to carry on and conduct such business in this state. The form of license shall be prescribed by the state horticulturist, and the licenses shall be issued by him upon proper application therefor, and shall be in force for one year from date of issue. The license fee shall be five dollars a year for agents, dealers, salesmen, or solicitors. The license shall be issued in the name of the dealer, solicitor, salesman, or agent, as the case may be, and no license shall be assigned or transferred. Licenses of salesmen, dealers, agents, or solicitors shall show the name and location of nursery and place of business of the nurserymen or tree dealers whom they represent or from whom they purchase their stock. Each separate agent and each separate store acting under a general agent or store

must have a license as provided in this section. Fees obtained from such licenses shall be paid into the state treasury and added to the appropriation of the bureau of horticulture, and shall be used exclusively for the inspection of nursery stock introduced into the state from outside the state. Such license may be revoked at any time for failure to comply with the aforesaid requirements, or for such other causes as may in the opinion of the commissioner of agriculture be sufficient. Any violation of this section shall be punishable by a fine of not less than ten dollars, nor more than fifty dollars for each offense.

110 Me. 264.

Sec. 8. Notice to commissioner of agriculture of presence of insects; his duties; destruction of insects within public ways and parks. R. S. c. 38, § 8. If any person in the state suspects 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 said commissioner shall cause the said trees, shrubs, or vines to be inspected. If sufficient cause is found, the commissioner of agriculture shall forthwith notify the municipal officers of the city, town, or plantation 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 the public streets and parks; said limit shall extend to and include all trees whose branches overhang the highway. If the municipal officers neglect or fail to perform the duties herein imposed upon them within a reasonable time, the commissioner of agriculture shall order such city, town, or plantation 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. If any city, town, or plantation shall fail 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, the commissioner of agriculture shall cause the said work to be done and shall charge the actual expense of the same to said city, town, or plantation; such amount shall be collected as a state tax and credited to the appropriation for said purpose.

Sec. 9. Notice to owners of real estate to destroy insects; owner neglecting, town to destroy. R. S. c. 38, § 9. Whenever a city, town, or plantation is notified by the commissioner of agriculture of the presence of the brown-tail moth or San Jose scale, the mayor of each city, the selectmen of each town, and the assessors of each plantation shall notify each owner of real estate located therein, requiring him to destroy the above named insects in his orchard and shade trees within a specified time. If the owner fails to destroy the above named insects before the specified time, the city, town, or plantation, 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 per cent of the assessed valuation of the above named property. The amount so assessed shall be collected in the form of a tax.

Sec. 10. Towns may raise money; expenditure. R. S. c. 38, § 10. Cities and towns may raise the sums necessary to carry out the provisions of the preceding section in the same manner as money is raised for other necessary municipal purposes. Whenever any city or town shall appropriate or raise a sum of money and shall pay the same into the state treasury for the purpose of exterminating the gipsy moth within its borders, the commissioner of agriculture shall cause such amount to be expended in such city or town as herein provided, together with an equivalent amount from the appropriation made

therefor; provided, however, that if the commissioner of agriculture finds it to be unnecessary or impracticable to expend such entire amount during the year following such payment to the treasurer of state, one-half the amount so remaining unexpended shall be reimbursed to such city or town.

See c. 5, § 79.

Sec. 11. Duties of municipal officers as to worthless trees along highways; penalty. R. S. c. 38, § 11. The municipal officers of cities and towns, shall, before the first day of June of each year, cut, burn, and destroy all dead or worthless apple trees, and all wild cherry trees within the limits of the public ways, streets, and parks of their respective towns and cities. For neglect or failure to perform the aforesaid duties each of such officers shall be punished by a fine of not less than fifty dollars.

Sec. 12. Jurisdiction; control of prosecutions. R. S. c. 38, § 12. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the superior court, of prosecutions for violations of the eleven preceding sections. All prosecutions shall be instituted by the commissioner of agriculture and shall be directed by him; all penalties recovered for any violation of said sections shall be paid into the state treasury for the use of the said commissioner in the enforcement of said sections in addition to any specific appropriation made therefor, and may be drawn from the treasury in the same manner as such appropriation.

Sec. 13. Crop pest commission, its membership, duties and authority. R. S. c. 38, § 13. The crop pest commission, heretofore established, consisting of the governor, the attorney-general, the commissioner of agriculture, the pathologist, and the entomologist of the Maine Agricultural Experiment Station, may direct the commissioner of agriculture to make such regulations as said commission deem necessary to prevent the introduction into the state, or the dissemination therein, of any insect, pest, or plant disease, injurious to vegetation.

European Corn Borer.

Sec. 14. European corn borer declared a public nuisance; commissioner of agriculture directed to suppress. 1923, c. 134, § 1. The insect known as the European corn borer is in all its stages a public nuisance, and the commissioner of agriculture is authorized and directed to use all lawful methods for its control and suppression. He may act in cooperation with any person or organization, any other state, or the United States, in conducting investigations, gathering and distributing information concerning the said corn borer, and in enforcing the provisions of the following sections.

Sec. 15. Commissioner of agriculture may establish districts and quarantine same; notice of establishment to be published. 1923, c. 134, § 2. The commissioner of agriculture shall have authority to establish districts comprising that portion of the state known or suspected of being infested with the European corn borer, and to quarantine such districts against the further spread of the borer. He may alter the boundary lines of such district or establish new districts as conditions may require, and he shall give notice of such establishment by publication in some newspaper published in such district, if any, otherwise in some paper published in Augusta.

Sec. 16. Persons in quarantined or infested districts to plow in or burn stubble; corn-stalk fodder to be fed or destroyed by April 10th. 1923, c. 134, § 3. In such district or districts as the commissioner of agriculture may

designate as being known or suspected of being infested with the European corn borer, any person growing corn of any kind, or other vegetation subject to infestation by the European corn borer, shall, not later than November first in the year in which said corn or other vegetation is grown, plow the land on which said corn or other vegetation was grown in a manner which shall be satisfactory to the said commissioner of agriculture or his duly authorized agents, or shall pull up said stubble and destroy it by burning. Any person who uses corn-stalks as fodder and who stores them for that purpose shall feed or destroy all such corn-stalks not later than the tenth day of April in the year following that in which the said corn shall have been grown.

Sec. 17. Penalty. 1923, c. 134, § 4. 1925, c. 6. Whoever violates any quarantine regulations established by the commissioner of agriculture under section fifteen and whoever neglects or refuses to comply with the requirements of section sixteen shall be punished by a fine of not less than ten dollars, nor more than fifty dollars.

Bee Industry.

Sec. 18. State horticulturist to inspect bee hives to determine if bees are suffering from any disease; to instruct owner and may give public lectures. 1921, c. 74, § 1. The state horticulturist shall upon request of any keeper of bees in the state inspect the hives of bees for the purpose of discovering whether they are suffering from any disease. If he finds that the bees are infected, he shall furnish the owner of said bees full instructions as to the nature of the disease and method of treatment, without cost to the owner. The state horticulturist may by himself or another give lectures and demonstrations on the keeping of bees.

Sec. 19. Bee owners to notify state horticulturist of number of hives owned. 1921, c. 74, § 2. All persons owning bees within the state shall notify the state horticulturist of the number of hives owned by them and their location. The information shall be made on blanks furnished by the state horticulturist.

Sec. 20. No person to disturb bees upon the land of another; penalty. 1929, c. 184. No person shall enter upon the land of another for the purpose of capturing, destroying or interfering with a swarm of bees which is already established, or removing honey from same, except by the consent of the owner of such land. Whoever violates any of the provisions of sections nineteen or twenty shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense.