

MAINE STATE LEGISLATURE

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CHAPTER 405
TREES AND SHRUBS

Sec.

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§ 2201. Horticulturist; definitions

The commissioner 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.

1. Nursery stock. "Nursery stock" as used in this chapter shall include all florist stock, trees, shrubs, vines, fruiting plants, cuttings, grafts, scions and buds, both deciduous and evergreen, grown for sale or propagation, also herbaceous perennials, bedding plants, roots, corms, bulbs, tubers, potted plants and cut flowers, and all other plant and plant products for, or capable of, propagation, excepting field crops, vegetable plants and vegetable and flower seeds.

2. Vegetation. "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.

R.S.1954, c. 32, § 153.

§ 2202. Inspection of nurseries

All nurseries or places where nursery stock is grown, stored 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 all such premises shall be accessible at all reasonable times for inspection, 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 shall be given until the said horticulturist has satisfied himself that all such pests

have been suppressed, during which period no stock shall be sold, exchanged or disposed of except such as is destroyed. Only sound, healthy nursery stock which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold or any other condition that makes it unable to grow or keep satisfactorily when given reasonable care is deemed a violation of this section, sections 2201, 2204 and 2205 and Title 32, section 1901.

R.S.1954, c. 32, § 154.

§ 2203. Inspection of orchards, fields and gardens

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. 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 \$10 nor more than \$50, for each offense.

R.S.1954, c. 32, § 155.

§ 2204. Shipments into State to be certified; disposal of infested stock

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. Nurserymen, dealers or other persons residing or doing business outside of the State, desiring to solicit orders for nursery stock through agents in this State, shall file a certified copy of their original state certificate with the State Horticulturist, and shall keep on file with the State Horticulturist a list of agents and representatives in the State. The State Horticulturist or his competent assistants may inspect, at the point of destination, all stock coming into the State, whether under cer-

tificate 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.

R.S.1954, c. 32, § 156.

§ 2205. Transportation of uninspected stock forbidden

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, excluding therefrom cut flowers, potted plants and cut greens, 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 2204. Whoever violates this provision shall be punished by a fine of not more than \$100 for each offense. All transportation companies shall immediately, upon receiving consignments of such stock, notify the commissioner 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 make such further report relative to such shipments as the commissioner may from time to time require.

R.S.1954, c. 32, § 157.

§ 2206. Jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction of prosecutions for violations of sections 2201 to 2205, Title 30, section 3955 and Title 32, section 1901. All prosecutions shall be instituted by the commissioner and shall be directed by him. All penalties recovered for any violation of said sections shall accrue to the Treasurer of State for deposit in the General Fund.

R.S.1954, c. 32, § 160; 1963, c. 402, § 62.