

# HOUSE . . . . No. 2398

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By Mr. Tanner of Reading, petition of Frank D. Tanner for legislation relative to the inspection and destruction of trees, shrubs and plants infested with the San José scale or serious insect pests or plant diseases. Agriculture.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Two.

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AN ACT RELATIVE TO TREES, SHRUBS AND PLANTS INFESTED WITH SCALES, PESTS OR PLANT DISEASES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 128 of the General Laws, as appearing in  
2 the Tercentenary Edition, is hereby amended by  
3 striking out section 24 of said section and inserting  
4 in place thereof the following new section:—  
5 *Section 24.* The director, either personally or  
6 through his assistants, shall inspect any orchard,  
7 field, garden, roadside or other place where trees,  
8 shrubs or other plants exist, whether on public or  
9 private property, which he may know or have reason  
10 to suspect is infested with the San José scale or any  
11 serious insect pests or plant disease, and shall serve  
12 upon the owner, occupant or person in charge of  
13 trees, shrubs or other plants thus infested, written  
14 notice of the presence of such pests or plant disease,

15 with a statement that they constitute a public nui-  
16 sance, together with directions to abate the same,  
17 giving the methods of treatment for the abatement  
18 thereof, and stating a time within which the nuisance  
19 must be abated in accordance with the methods given  
20 therein. If the person so notified refuses or neglects  
21 so to treat or destroy such trees, shrubs or other plants  
22 within the time prescribed, the director may cause  
23 such property to be so treated or destroyed, and may  
24 employ all necessary assistants for this purpose, who  
25 may enter upon any public or private property, if  
26 such entry is necessary for this purpose. Upon the  
27 completion of said treatment the director shall certify  
28 in writing to the owner or person in charge of the  
29 treated property the amount of the cost of such treat-  
30 ment, and if this be not paid to the commissioner  
31 within ninety days thereafter, the same may be re-  
32 covered by suit, together with the cost of the suit.