

# SENATE . . . . No. 81

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To accompany the petition of Philip K. Allen for legislation to enlarge the scope of control measures against insects and diseases on nursery stock, fruits, plants and parts thereof coming into the Commonwealth. Agriculture.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Eight.

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AN ACT ENLARGING THE SCOPE OF CONTROL MEASURES  
AGAINST INSECTS AND DISEASES ON NURSERY STOCK,  
FRUITS, PLANTS AND PARTS THEREOF COMING INTO THIS  
COMMONWEALTH.

*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 is hereby amended  
2 by striking out section 21 and section 27 and inserting  
3 in place thereof the following 2 new sections: —

4 *Section 21.* The director, either personally or  
5 through his assistants, may inspect at its point of  
6 destination all nursery stock coming into the common-  
7 wealth, and if such stock is found to be infested with  
8 injurious insects or plant disease he may cause it to  
9 be destroyed, treated or returned to the consignor at  
10 the consignor's expense. He may, either personally  
11 or through his assistants, inspect all fruits, plants and  
12 parts thereof brought into the commonwealth from

13 outside thereof which were grown on plants, shrubs  
14 or trees of any kind which also grow out of doors in  
15 this commonwealth, and, if such fruits, plants and  
16 parts thereof are found to be infested with injurious  
17 insects or plant disease likely to become established  
18 herein, he may cause such fruits, plants and parts  
19 thereof to be destroyed, treated or returned to the  
20 consignor at the consignor's expense.

21 Each person, except a common carrier, who receives,  
22 brings or causes to be brought into this commonwealth  
23 any such fruits, plants and parts thereof from such  
24 states, provinces or countries as may be designated  
25 by the commissioner, shall immediately after the  
26 arrival of such fruits, plants and parts thereof notify  
27 the director of such arrival, and hold the same until  
28 they have been duly inspected.

29 *Section 27.* The director, with the approval of the  
30 commissioner, after a duly advertised public hearing  
31 with notice to interested parties, may prohibit, for  
32 such periods and under such conditions as he may  
33 impose, the delivery within the commonwealth of  
34 nursery stock, fruits, plants and parts thereof from  
35 outside thereof when in his opinion such nursery stock,  
36 fruits, plants and parts thereof are likely to be in-  
37 fested with insect pests or disease or are likely to act  
38 as a carrier thereof. With the approval of the commis-  
39 sioner, he may make and issue such rules and regula-  
40 tions as may be needed to carry out sections sixteen  
41 to thirty-one, inclusive, and may in such rules and  
42 regulations establish fees for registration or inspection.  
43 He may also enter into reciprocal agreements with  
44 other states under which nursery stock owned by  
45 nurserymen and dealers of such states may be sold  
46 or delivered in this commonwealth without the pay-

47 ment of a registration or inspection fee; provided,  
48 that like privileges are accorded in such other states  
49 to nurserymen and dealers of this commonwealth. He  
50 may publish information about such insects and dis-  
51 ease as come within his observation.

