

By Mr. Sylvia of New Bedford (by request), petition of the Massachusetts Farm Bureau Federation Inc. relative to the inspection, abatement and control of insect pests and disease infesting commercial orchards from outside sources. Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE INSPECTION, ABATEMENT AND CONTROL OF INSECT PESTS AND DISEASE INFESTING COMMERCIAL ORCHARDS FROM OUTSIDE SOURCES.

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

1 SECTION 1. Chapter 128 of the General Laws (Ter.
2 Ed.) is hereby amended by adding at the end of section 1
3 (definitions) the following new definition: — “Commer-
4 cial orchard”, a place where fruit trees are grown and
5 the owner or person in charge obtains a substantial
6 proportion of earned income from the production and
7 sale of fruit and fruit products therefrom.

1 SECTION 2. Chapter 128 of the General Laws (Ter.
2 Ed.) is hereby amended by adding after section 24A
3 the following new section: —

4 *Section 24B.* Whenever the owner or person in
5 charge of a commercial orchard submits a written com-
6 plaint to the director that infestation of insect pests or
7 disease in the complainant’s orchard has resulted from
8 the neglect to control insect pests or disease on other
9 near-by property, the director either personally or
10 through his assistants shall inspect the sources of proba-

11 ble infestation, and in case such premises or property is
12 infected he shall condemn the same and serve upon the
13 owner or person in charge a notification that the same is
14 condemned and order the abatement of said infection
15 that is capable of abatement or the destruction of prop-
16 erty that is the source of this infection. He shall desig-
17 nate the area of condemned property and shall allow
18 the owner a period of fourteen days from the date of
19 the notification within which the disinfection or destruc-
20 tion shall be accomplished.

21 If orders for disinfection or destruction are not com-
22 plied with within the time specified, the director shall
23 cause such property to be destroyed and may enter
24 upon said condemned premises to effect said destruction.
25 The expense of such destruction shall be paid by the
26 complainant. The owner or person in charge of the
27 infected property shall be responsible for any disposi-
28 tion of destroyed trees and any clearing of property
29 whereon destruction was accomplished.

30 Notwithstanding any other provisions of this sec-
31 tion no tree within one hundred feet of a residence shall
32 be destroyed.