

INSECT PESTS AND PLANT DISEASES (EXCERPT)
Act 72 of 1945

286.251 Examinations for insects or infectious diseases; marking; notice to destroy, posting; appeals.

Sec. 1. It shall be the duty of the commissioner of agriculture whenever it comes to his attention that any of the dangerous insects or infectious diseases exist or are supposed to exist within this state to proceed without delay to examine the trees, shrubs, vines, plants, or fruits supposed to be infested or infected and all other such trees, shrubs, vines, plants, or fruit as he may deem advisable. If upon examination destructive insects or dangerously infectious diseases are found to exist, a distinguishing mark shall be placed on the trees, shrubs, vines, or plants and a written notice shall be served upon the owner or his agent with recommendations. When the owner or his agents cannot be found it shall be the duty of the commissioner of agriculture or his deputies to give general notice in the following manner to every owner, possessor, or occupier of land and to every person or persons, firm or corporation having charge of any land in this state, whereon neglected, abandoned, or semi-abandoned fruit trees are growing, to cut and destroy such plants; 4 notices each not less than 1 foot square shall be printed in clear readable type and posted 1 in each of 4 conspicuous places in the area, at least 1 to be on the property. The posting of such notices shall take place at least 15 days prior to the date upon which the trees must be cut. At the time of posting said notices a copy of the same shall be mailed to every owner, possessor or occupant or occupier of land and to every person or persons, firm or corporation financially interested therein, or having charge of any lands in this state, whereon neglected or abandoned trees are growing, whose postoffice address is known.

In case the owner refuses to accept the opinion of the inspector or inspectors, regarding the nature of an insect or a disease, or the remedy that shall be employed he may appeal, within 10 days, to the commissioner of agriculture by serving a written notice of such appeal. The commissioner of agriculture shall as soon as practicable investigate the matter and order the proper treatment, and his opinion or orders shall be final. In cases where the owner appeals to the commissioner of agriculture, and the findings of the original inspector or inspectors are approved, the expense incurred as a result of appeal shall be paid by the owner.

History: 1945, Act 72, Eff. Sept. 6, 1945;—CL 1948, 286.251.