# WHITE PINE BLISTER RUST

## Act 313 of 1929

AN ACT to provide for the control and eradication of white pine blister rust; to provide for the destruction of trees, plants and bushes infected with white pine blister rust; to authorize the commissioner of agriculture to remove, appraise and pay for healthy host plants necessarily destroyed; to declare certain plants and bushes a public nuisance; to authorize the commissioner to set aside fruiting currant and gooseberry and white pine growing districts as control areas; to provide for co-operation between state departments; to authorize the promulgation of rules and regulations; to provide funds for carrying out the purposes of this act; and to provide penalties for its violation.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929

The People of the State of Michigan enact:

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### 286.101 White pine blister rust; definitions.

Sec. 1.

For the purposes of this act the following words, names and terms shall be construed respectively to mean:

(a) Commissioner: The commissioner of agriculture.

(b) Cultivated black currants: Plants, roots, cuttings or scions of Ribes nigrum L.

(c) Currants and gooseberries: Plants, roots, cuttings or scions belonging to the genera Ribes L. and Grossularia (Tourn.) Mill.

(d) White pine blister rust control area: An area established by state authority, wherein the planting and possession of currant and gooseberry plants is prohibited for the purpose of protecting the white pines on such area from damage by white pine blister rust.

(e) Fruiting currant and gooseberry control area: An area established by state authority wherein the planting or possession of white pines is prohibited for the purpose of protecting fruiting currants and gooseberries in such areas from damage by the white pine blister rust.

(f) White pine: Plants of any species belonging to the genus Pinus which bear their needles in clusters of 5.

(g) White pine blister rust: The fungous disease caused by Cronartium ribicola Fischer.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5131 ;-- CL 1948, 286.101

### 286.102 White pine blister rust; declared dangerous pest; enforcement of act; other state departments.

Sec. 2.

(1) The fungus disease commonly known as the white pine blister rust caused by the organism Cronartium ribicola Fischer is declared to be a dangerous forest pest in all its stages.

(2) The director of the department of agriculture shall enforce and administer the measures specified in this act for the control of this pest.

(3) All state departments shall cooperate with the department of agriculture in the control and eradication of the white pine blister rust.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5132 ;-- CL 1948, 286.102 ;-- Am. 2000, Act 136, Imd. Eff. June 1, 2000

### 286.103 White pine blister rust; destruction of plants.

Sec. 3.

Any white pines, currants or gooseberries within the state which are found to be infected with white pine blister rust are hereby declared a public nuisance, and any such diseased plants and any and all wild plants of the genera Ribes and Grossularia, may be destroyed forthwith by order of the commissioner or his agents. Any currants, gooseberries or white pines not infected with white pine blister rust may be destroyed by the commissioner or his agents where necessary in carrying out the purposes of this act.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5133 ;-- CL 1948, 286.103

### 286.104 Cultivated black currant declared public nuisance; destruction.

Sec. 4.

The cultivated black currant is hereby declared a public nuisance. Planting, possessing, growing, propagating, selling or offering for sale plants, roots, or cuttings of cultivated black currants within the state is hereby prohibited. Such roots, cuttings or plants now planted or growing may be destroyed by the commissioner or his agents.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5134 ;-- CL 1948, 286.104

### 286.105 White pine blister rust; blister rust control areas; fruiting currant and gooseberry control areas; destruction of plants, expense.

Sec. 5.

The commissioner is hereby authorized and empowered to promulgate by letter, publication, poster or other means, information concerning the white pine blister rust and to designate by the aforesaid means of promulgation blister rust control areas within the state in which control measures are necessary or advisable. In designating fruiting currant and gooseberry control areas, the commissioner shall use due care to fix their boundaries so as to include areas where currants and gooseberries are grown on a commercial scale and where their value for this purpose is clearly greater than the use of the area for the production of white pine. In designating white pine blister rust control areas, the commissioner shall use due care to fix their boundaries so as to protect white pines on such areas from damage by white pine blister rust. It shall be the duty of every land owner within such designated areas to carry out such control measures as are ordered by the commissioner, including the removal and destruction of any or all wild and cultivated currants and gooseberries or white pines. No currants or gooseberries shall be planted within such white pine blister rust control areas without written permission from the commissioner. No white pines shall be planted within such fruiting currant or gooseberry control areas without written permission of the commissioner. If the owner fails to destroy the above named plants within the time specified by the commissioner, the commissioner shall cause said plants to be destroyed and the expense thereof shall be a lien upon the owner's land. Such lien shall have the same effect and may be collected in the same manner as taxes upon such land. Any moneys so collected shall be paid into the state treasury and credited to the fund provided for this work.

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**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5135 ;-- CL 1948, 286.105

### 286.106 White pine blister rust; destruction of plants; compensation to owner; noxious weeds.

Sec. 6.

If cultivated currants, gooseberries or white pines which are not infected with white pine blister rust, are destroyed by specific order of the commissioner or his agents, the owner may be compensated therefor, the damages to be appraised by the commissioner or his agents at and not to exceed the actual value of the material destroyed, and paid to said owner by the state treasurer upon authorization of the commissioner: Provided, That any and all wild currants and gooseberries are hereby declared noxious weeds and no compensation shall be paid therefor.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5136 ;-- CL 1948, 286.106

### 286.107 Right of entry by commissioner of agriculture.

Sec. 7.

The commissioner and his agents shall have the right to enter upon any private or public lands to determine the presence or the absence of white pine blister rust in any of its stages and to carry out measures for its control.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5137 ;-- CL 1948, 286.107

### 286.108 White pine blister rust; co-operation; rust control on state lands.

Sec. 8.

The commissioner may co-operate with the United States department of agriculture, with the department of conservation, and with counties, townships, associations, institutions and individuals for the suppression and control of white pine blister rust, and shall carry on such investigations of the disease and its control as are deemed advisable by the commissioner. The department of conservation shall have control of all state owned lands and it shall be its duty to co-operate with the department of agriculture in the control of the white pine blister rust on all state lands and the expense so incurred shall be borne by the department of conservation.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5138 ;-- CL 1948, 286.108

### 286.109 Entry or movement of certain plants.

Sec. 9.

The commissioner is hereby authorized and empowered to prohibit and prevent or regulate the entry into or movement within the state from any part thereof to any other part, of any white pines or any plants of genus Ribes or Grossularia when such plants are to be shipped into blister rust control areas.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5139 ;-- CL 1948, 286.109

### 286.112 Violation of act; penalty.

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Sec. 12.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than 100 dollars or imprisonment for not more than 90 days, and costs of prosecution, or both such fine and imprisonment in the discretion of the court.

**History:** 1929, Act 313, Imd. Eff. May 24, 1929 ;-- CL 1929, 5142 ;-- CL 1948, 286.112

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