CHERRY PESTS

Act 86 of 1929

AN ACT to protect the cherry industry, and to provide for the control of the cherry fruit flies (Rhagoletis Cingulata Loew and R. Fausta Osten Sacken) and other cherry pests, and imposing certain powers and duties on the commissioner of agriculture.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929

The People of the State of Michigan enact:

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286.81 Protection of cherry crops.

Sec. 1.

In order to protect the cherry crops of the state from the ravages of the cherry fruit flies (Rhagoletis Cingulata Loew and R. Fausta Osten Sacken) established within the state and now seriously and destructively threatening and infesting cherry orchards within the state, and other cherry pests which are now or may hereafter be established in the state, the commissioner of agriculture shall adopt and carry out such control measures as are deemed advisable and may cooperate with other agencies in the control of these pests.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5112 ;-- CL 1948, 286.81
Admin Rule: R 285.600.1 of the Michigan Administrative Code.

286.82 Control regulations; enforcement.

Sec. 2.

The commissioner of agriculture is authorized to adopt, issue and enforce rules and regulations for the control of these pests. Under such rules and regulations, the commissioner of agriculture or his authorized agents may prohibit and prevent the movement within the state without inspection, or the shipment or transportation within the state of any and all cherries or any horticultural product or any other material of any character whatsoever capable of carrying these pests in any living stage of their development, and in the enforcement of such rules and regulations may intercept, stop and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon or other vehicle or container believed or known to be carrying the said pests in any living state of their development, in violation of said rules and regulations of the commissioner of agriculture, and may seize, possess and destroy any cherries moved, shipped or transported in violation of the rules and regulations of the commissioner of agriculture.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5113 ;-- CL 1948, 286.82

286.83 Right of access; unlawful acts.

Sec. 3.

For the purpose of this act the commissioner of agriculture or his authorized agents shall have free access to any farm, field, orchard, garden, elevator, canning factory, warehouse,

freight or express office, car, freight yard, vehicle, vessel, boat, container or any other place which for probable cause it may be necessary or desirable for such authorized agents to enter in carrying out the provisions of this act. It shall be unlawful to deny such access to such authorized agents and to hinder, thwart or defeat such inspection or entrance by misrepresentation or concealment of facts or conditions or otherwise.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5114 ;-- CL 1948, 286.83

286.84 Violation of act; penalty.

Sec. 4.

Any person, copartnership, association or corporation violating any provision of this act or the rules or regulations of the commissioner of agriculture issued and promulgated hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than 25 dollars nor more than 100 dollars or imprisonment in the county jail for not more than 90 days, or both fine and imprisonment in the discretion of the court.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5115 ;-- CL 1948, 286.84

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286.85 Treatment by owner or commissioner; expense, enforcement of payment.

Sec. 5.

The commissioner of agriculture shall have power, and it is made his duty to require on the part of the owner all necessary treatment, by spraying or otherwise, of all cherry trees within the state, whether in field, lot, orchard or elsewhere. The owner or person having charge of cherry trees or cherry orchards shall, within the time limit provided, administer such treatment or cause the same to be administered as set forth in the rules and regulations of the commissioner of agriculture. In case the owner or person in charge of such cherry trees or cherry orchards shall refuse or neglect to carry out any and all instructions given by the commissioner of agriculture within the time limit provided, the commissioner of agriculture or his authorized agents may take the action so required and shall employ such aid as may be necessary to carry out his own orders or those of his inspector or inspectors as the case may be. The commissioner of agriculture shall render a bill against the owner for the full amount of such expenses. If the owner refuses or neglects to pay said bill within 30 days, it shall be certified to the supervisor of the township in which the property on which the work was done, is located. The supervisor shall cause all such expenditures to be severally levied on the lands on which such expenditures were made, and the same shall become a lien upon said land and shall be assessed and collected as other taxes are assessed and collected. When collected, they shall be paid by the collecting official direct to the commissioner of agriculture, who shall deposit the same into the general fund of the state.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5116 ;-- CL 1948, 286.85

286.86 Liability of agent or employe.

Sec. 6.

In construing and enforcing the provisions of this act, the act, omission, or failure to act of any official, agent or other person acting for or employed by any association, partnership or corporation within the scope of his employment or office, shall in every case be deemed the

act, omission or failure to act of such association, partnership or corporation as well as of the person.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5117 ;-- CL 1948, 286.86

286.87 Commissioner's appointment of assistants and employes.

Sec. 7.

The commissioner of agriculture is hereby empowered to appoint such assistants and employes as will be necessary to perform the duties hereby imposed. The number of such assistants and employes and the compensation payable to all persons so appointed and employed being subject to the approval of the state administrative board.

History: 1929, Act 86, Imd. Eff. Apr. 29, 1929 ;-- CL 1929, 5118 ;-- CL 1948, 286.87

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