

(A) RIGHT OF ENTRY.

TO ACCOMPLISH THE PURPOSE OF THIS SUBTITLE, THE SECRETARY MAY ENTER ON ANY PUBLIC OR PRIVATE LAND IN THE STATE TO INSPECT, DESTROY, TREAT, OR EXPERIMENT WITH DANGEROUSLY INJURIOUS INSECTS, OTHER ANIMAL PESTS, OR PLANT DISEASES.

(B) TREATMENT.

IF THE SECRETARY DETERMINES THAT ANY DANGEROUSLY INJURIOUS INSECT, OTHER ANIMAL PEST, OR PLANT DISEASE CAN BE ERADICATED WITHOUT DESTROYING THE PLANT, THEN HE SHALL TREAT IT WITH THE PROPER REMEDIES OR APPLIANCES. THE SECRETARY SHALL TREAT ANY SUSPICIOUS PLANT FOUND IN DANGEROUS PROXIMITY TO THOSE INFESTED OR INFECTED IN ORDER TO PREVENT DISSEMINATION.

REVISOR'S NOTE: This section presently appears as Art. 48, §76 of the Code. The present reference to the Secretary's "assistants and employees, or any other officer, assistant or employee appointed by the Secretary" is proposed for deletion and an all inclusive reference to the Secretary is added. The present reference to public "premises, parks, cemeteries or other premises" also is proposed for deletion and a reference to public land is added to express more explicitly the legislative intent of this section. Finally, new language is added to indicate the types of insects and diseases the Secretary is permitted to experiment upon and treat. The present reference to "trees, vines, shrubs, plants and grains" is proposed for deletion and "plants" is substituted because it is all inclusive. The only other changes made are in style.

SEC. 5-307. MARKING OR TAGGING DISEASED PLANTS; NOTICE TO OWNER; DESTRUCTION.

(A) MARKING OR TAGGING; NOTICE TO OWNER.

IF THE SECRETARY OR HIS DESIGNEE FINDS ANY PLANT INFESTED OR DISEASED WITH ANY DANGEROUSLY INJURIOUS INSECT, OTHER ANIMAL PEST, OR PLANT DISEASE, HE SHALL MARK OR TAG IT IN A CONSPICUOUS MANNER. HE SHALL GIVE WRITTEN NOTICE TO THE OWNER, TENANT, OR PERSON IN CHARGE OF THE PREMISES.