

(f) "Nurseryman" means any person engaged in the production of nursery stock for sale or distribution.

(g) "Plant pest" means any insect, snail, nematode, fungus, virus, bacteria, weed, or any other form of terrestrial or aquatic plant or microorganisms (except viruses, bacteria, or other microorganisms on or in living man or another living animal) which is normally considered to be a plant pest or which the Secretary declares to be a pest.

5-303.

The Secretary shall submit annually[, by February 1,] a written report of his inspections and investigations to the Governor and, subject to § 2-1312 of the State Government Article, make the report available to the General Assembly.

5-309.

(a) At least once [every] EACH year the Secretary shall inspect [all nurseries] EACH NURSERY in the State to determine if the nursery stock is infested or infected with dangerously injurious plant pests. [A fee of \$1 per acre (or part of an acre) in production of nursery stock up to a maximum fee of \$500 shall be paid by each nursery for each annual inspection.] EACH NURSERY SHALL PAY THE SECRETARY AN INSPECTION FEE BASED UPON THE NUMBER OF ACRES IN PRODUCTION: 1 ACRE OR LESS, \$5; MORE THAN 1 ACRE TO 5 ACRES, \$10; MORE THAN 5 ACRES TO 10 ACRES, \$20; MORE THAN 10 ACRES, \$2 FOR EACH ACRE, OR PART OF ANY ACRE, UP TO A MAXIMUM OF \$1,000. All fees collected shall be placed in the Plant Protection Fund and used to defray partially the cost of inspecting the nurseries.

(b) Each nursery shall be certified annually by the Secretary if it meets standards established by the Department regarding freedom from plant pests and upon payment of a fee of [\$20] \$40. All fees collected shall be placed in the Plant Protection Fund and used to defray partially the cost of inspecting and certifying the nurseries.

(c) Each broker or dealer shall comply with the regulations established by the Department and shall pay an annual license fee of [\$20] \$40. [A fee of \$1 per acre (or part of an acre) of sales and/or holding yard for nursery stock up to a maximum fee of \$500 shall be paid by each broker or dealer for each annual inspection.] THE SECRETARY SHALL MAY INSPECT ANNUALLY THE NURSERY STOCK IN A SALES OR HOLDING YARD OF A BROKER OR DEALER. EACH BROKER OR DEALER SHALL PAY THE SECRETARY AN INSPECTION FEE AS PROVIDED IN §-5-309(A) SUBSECTION (A) OF THIS SECTION. All fees collected shall be placed in the Plant Protection Fund and used to defray partially the cost of inspecting and licensing the brokers and dealers.