

Article - Agriculture

5-301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Broker" means any person who solicits, takes orders, sells or distributes nursery stock in the State other than a nurseryman or dealer.

(c) (1) "Dealer" means any person, except a nurseryman or broker, who [buys, collects,] ADVERTISES NURSERY STOCK FOR SALE OR INSTALLATION OR WHO BUYS, COLLECTS, or otherwise acquires wild plants or nursery stock for the purpose of selling, planting or distributing them.

(2) "Dealer" does not include a person who acquires plants for personal use.

(d) "Nursery stock" means (1) any hardy plant or plant that survives Maryland winters, including a deciduous or evergreen tree, shrub, or woody vine whether cultivated, native, or wild, and all viable parts of the plant; (2) any nonhardy plant or plant part to be distributed in another state that requires plant inspection and certification before entering that state; and (3) any other plant included by the Secretary, if regulating its movement is necessary to control any dangerously injurious plant pest.

(e) "Nursery" means any place where nursery stock is produced for sale or distribution.

(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.

5-314.

(A) INSTEAD OF ANY OTHER PENALTY AUTHORIZED UNDER THIS ARTICLE, THE SECRETARY MAY IMPOSE, ON ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY ORDER WHICH THE SECRETARY HAS ISSUED UNDER THIS SUBTITLE, A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

(B) PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.

Approved April 9, 1996.