

5-309.

(a) At least once each year the Secretary shall inspect each nursery in the State to determine if the nursery stock is infested or infected with dangerously injurious plant pests. Each nursery shall pay the Secretary an inspection fee based upon the number of acres in production: 1 acre or less, \$10; more than 1 acre to 5 acres, \$20; more than 5 acres to 10 acres, \$30; more than 10 acres, \$3 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 ~~[\$75]~~ \$100. 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 ~~[\$75]~~ \$100. The Secretary 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 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.

(d) The Secretary may certify plants to be apparently free of injurious viruses, and/or other diseases, or plants that conform to established standards of strain purity. Each plant producer shall pay the Secretary the following certification fee for each acre, or part of an acre, in plant production: strawberry plants, "Cape" American beachgrass, "Avalon" Saltmeadow cordgrass, \$50; grape vines, fruit trees, and bramble plants, \$70. All fees collected shall be placed in the Plant Protection Fund and used to defray partially the cost of virus indexing, inspection, and analysis of plants certified or tagged.

(e) If dangerously injurious plant pests are found in any nursery, orchard, or any premises where nursery stock is grown or held for sale, the Secretary shall order it treated or destroyed by the nurseryman or dealer. He shall release all other nursery stock grown on the premises, and issue a certificate of inspection to the owner. If the nurseryman or dealer fails to comply with the order, the Secretary shall seize, destroy, and/or treat the infested or infected nursery stock and the owner shall pay the costs. If the owner refuses to pay the cost, it shall be collected as prescribed in § 5-307 of this subtitle.

(f) A federal, State, or local public agency is exempt from the license and inspection fees required by this section.

9-204.

(a) No person may engage in the business of a wholesale seedsman in the State unless he first obtains a permit.