

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

February 7, 1950

To H. B. Peirson, State Entomologist
Re: Tree Surgery Law

I have yours of January 25th relating to the interpretation of a portion of the tree surgery law, R. S. 1944, Chapter 32, Sections 51 and 52 as amended by P. L. 1949, Chapter 149.

You state that Section 51 provides: "No person, firm or corporation shall advertise, solicit or contract to improve the condition of shade, forest or ornamental trees by pruning, trimming . . . without having secured a certificate."

You continue that there are three concerns in the State whose primary work is the setting of poles and the stringing of new lines, one company also doing some clearance work. Your question is whether these companies have a right to solicit work entailing pruning without having a license.

You further state that the tree surgery board, which has the right to prescribe all rules and regulations governing examinations, has twice ruled that the officer in charge of these companies, who is usually the man to solicit the work from the utility companies, need not have a license, providing he has licensed men in his crew who supervise the actual pruning and who solicit permission to prune from the owners of the trees. You feel that the public is thereby amply protected and that the public utility companies are cooperating with you by insisting that the work be supervised by licensed men; but you state that the Maine Arborists Association, which is made up of licensed tree men, disagrees with your ruling, at least some of them feeling that the man who solicits the work from the company should be licensed. They have therefore asked you to get my opinion on this point.

I agree with your department and the tree surgery board that the men who do the pruning are the ones who should be licensed. The men who solicit the work from the company need not be licensed, as they cannot harm the trees if they do no pruning.

RALPH W. FARRIS
Attorney General

February 8, 1950

To Honorable Frederick G. Payne, Governor of Maine
Re: Allotments for fiscal year, Chapter 14, Section 14, R. S. 1944

I have your memo of today in which you propound the following question:

"In the event that the Legislature should fail to provide sufficient appropriation for the fiscal year ending June 30, 1951 to meet the estimated requirements of the various departments of state, in your opinion would it be within the meaning of the law for the State Budget Officer and the Governor and Council to approve allotments at the beginning of the year which contemplate the expenditure of more funds than are provided for within the appropriations available to these departments?"

It is my opinion that it would not be within the meaning of the law above quoted for the State Budget Officer and the Governor and Council to approve