

MAINE STATE LEGISLATURE

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January 27, 1956

no

To A. D. Nutting, Forest Commissioner
Re: Tree Wardens

In response to your questions we submit the following:

"1. Section 2 provides for choosing of three park commissioners, while Section 15 provides for tree wardens. Does Section 15 mean that if park commissioners have been elected, tree wardens cannot be appointed?"

Answer. Yes.

"2. Does Section 15 mean tree wardens may be appointed at any annual meeting or only at meetings called for appointment of tree wardens?"

Answer. Tree wardens may be appointed at either annual or special meetings.

"3. At the meetings provided for in Section 15, do the municipal officers simply appoint tree wardens, or is appointment by voted approval of the town meeting attendants?"

Answer. At such meetings, municipal officers appoint tree wardens.

"4. If answer to question 1 is in the affirmative, where do tree wardens come from to carry out provisions of Section 13? It seems that Section 14 does not cover Section 13."

Answer. There is an apparent ambiguity in these sections and we would recommend that Section 14 be amended, thereby doing away with such ambiguity. We have drawn this matter to the attention of Mr. Slosberg, Director of Legislative Research. We would, however, suggest that you give him your recommendation before the next legislature comes in.

"5. At least one town believes street trees are the property of the abutting owners. Are they misinformed or is there some law in conflict with Section 13?"

Answer. Section 13 appears to be the law surrounding this matter and answers your question, making all trees within the formal limits of any highway public shade trees.

"6. Does Section 20 mean that tree wardens of Section 15 hold office for one year only?"

Answer. Yes.

James Glynn Frost
Deputy Attorney General

jgf/c