

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

January 2, 1974

Fred E. Holt, Director
Cabanne Howard, Assistant
Arborist Board Ruling

Bureau of Forestry
Attorney General

You have asked whether the Arborist Board may suspend an arborist license without affording its holder a hearing and whether the Board can renew a suspended license on January 1, the time for annual renewals, without a hearing.

On September 28, the Board suspended the arborist license of Joseph Virchow upon notification from the Board of Pesticide Control that it had refused to renew his custom pesticide applicator's license. The Board's action was taken without notifying Mr. Virchow or affording him an opportunity for a hearing. The Board's attention is directed to Section 2003 of the arborist law, 32 M.R.S.A. § 2003, which provides

"...no license shall be suspended or revoked unless the person accused has been given at least 10 days' notice in writing to the charge or charges against him and afforded a public hearing before the board. . ."

It is the opinion of this office, therefore, that the Board's action was invalid and that Mr. Virchow continues to hold a valid arborist license. Further, inasmuch as it appears from our telephone conversation of December 19 that Mr. Virchow is not presently able to cause damage to any trees through his crop dusting activities because he no longer holds a custom pesticide applicator's license, and inasmuch as there is no provision of the Arborist Law requiring notice and hearing before renewal of a license, it is also our advice if the Board wishes to avoid the time and expense of a hearing that it simply renew Mr. Virchow's Arborist license for 1974.

NOT A FORWARD OF ENCL.