

MAINE STATE LEGISLATURE

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February 5, 1974

Fred Holt, Director, Bur. of Forestry

Conservation

David Roseman, Assistant

Attorney General

Arborist License

This memo is written in response to your question of January 16, 1974, concerning the necessity of proof of financial responsibility under the Arborist statute. Specifically, you ask in Question #1 whether the Arborist Board can issue a "Consulting" License to a person who passes the required examination, and who pays the usual fees, but who does not carry liability and property damage insurance - if that person signs a statement saying that he will limit his activities to consultation and advisory services. The answer is no. The applicable statute is clear in its command and admits of no exceptions in this regard. Title 32, § 2052, states in applicable part that, "n/o license shall be issued under this subchapter, except to an individual who is 18 years or over in age, who is specifically qualified as defined in this subchapter, who passes an examination, and who gives proof of financial responsibility in amounts to be determined under rules and regulations of the board." (Emphasis added.) The signing of such a statement (as is suggested above) can in no way obviate the statutory requirement that the arborist licensee give proof of financial responsibility.

Because Question #2 depended upon an affirmative answer to Question #1, it need not be answered.

DR:H

David Roseman
Assistant Attorney General

NOT A FORMAL OPINION