

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1756

H. P. 1400

House of Representatives, January 6, 1970

Committee on Natural Resources suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Clarifying the Laws Relating to Parks, Squares and Playgrounds.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 30, § 3802, amended. The 2nd sentence of section 3802 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 394 of the public laws of 1969, is further amended to read as follows:

All trees and shrubs growing on said land shall be held as for park purposes ~~under the exclusive care and control of conservation commissioners chosen as provided in section 3851.~~

Sec. 2. R. S., T. 30, § 3803, amended. The last sentence of section 3803 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 394 of the public laws of 1969, is further amended to read as follows:

~~Conservation commissioners~~ **Municipal officers** may grant written license to the owner to do such cutting and clearing on said land as is consistent with the preservation and general improvement of the growth thereon .

Sec. 3. R. S., T. 30, § 3851, amended. The 3rd sentence of section 3851 of Title 30 of the Revised Statutes, as enacted by section 3-A of chapter 394 of the public laws of 1969, is amended to read as follows:

Such commission ~~shall~~ **may** have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all moneys appropriated for the improvement of the same.

Sec. 4. R. S., T. 30, § 3851, amended. The last paragraph of section 3851 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 203 of

the public laws of 1965 and amended by section 5 of chapter 394 of the public laws of 1969, is further amended to read as follows:

Nothing in this law shall be construed to require a municipality which has heretofore constituted a park commission under prior law to establish a conservation commission, and any such park commission heretofore established may continue to operate as originally established ~~until such time as the municipality may choose to establish a conservation commission.~~

Sec. 5. R. S., T. 30, § 3853, repealed and replaced. Section 3853 of Title 30 of the Revised Statutes, as amended by section 7 of chapter 394 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 3853. Park commissioners

Notwithstanding the law relating to conservation commissions, municipalities and village corporations are authorized and empowered to elect or appoint 5 park commissioners, to hold office one, 2, 3, 4 and 5 years, respectively initially, and after the first year choose annually a commissioner for 5 years in place of the one whose term expires. Such commissioners shall be charged with the duties and have the powers to care for such public parks or to perform any acts relating to the beautification of the landscape and town rights-of-way.

Sec. 6. R. S., T. 30, § 3854, amended. Section 3854 of Title 30 of the Revised Statutes, as amended by section 8 of chapter 394 of the public laws of 1969, is further amended to read as follows:

§ 3854. Supervision of shade trees

All public shade trees ~~shall~~ **may** be under the care and control of conservation commissioners in municipalities which now or hereafter may appoint such commissioners in accordance with subchapters I, II and V. As to all such trees and conservation commissioners ~~shall~~ **may** have the powers and duties conferred upon tree wardens.

Sec. 7. R. S., T. 30, § 3901, amended. Section 3901 of Title 30 of the Revised Statutes, as amended by section 9 of chapter 394 of the public laws of 1969, is further amended to read as follows:

§ 3901. Appointment and duties

The municipal officers of municipalities not having appointed conservation commissioners as provided by subchapters I, II and V, may annually appoint one or more tree wardens who shall have the care and control of all public shade trees upon and along such highways and in the parks thereof and all streets within any village limits and shall enforce all laws relative to the preservation of the same, **or may delegate such responsibility to the conservation commission or park commission.**