

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1925**

H. P. 1858

Office of the Clerk of the House

The Committee on Agriculture suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Tozier of Unity

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections.**

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**Emergency Preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, present statute, with certain exceptions, prohibits anyone other than an arborist from taking down trees by topping or sections; and

Whereas, it is often impossible to fell a tree safely other than by taking it down by topping or sections; and

Whereas, the felling of trees forms an important livelihood for many of Maine's citizens who often perform their task outside the reach of an arborist's services; and

Whereas, it is necessary for the safety of nonarborists felling trees that they be able to fell trees in sections or by topping, rather than felling them whole as now required by statute; and

Whereas, the needed statutory change must take effect as soon as possible in order to decrease the danger to nonarborists who are felling trees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA § 1951, sub-§ 1, as last amended by PL 1971, c. 347, § 1, is repealed and the following enacted in its place:

1. **Arborist.** "Arborist" means a person who, for compensation, diagnoses or evaluates the condition of shade or ornamental trees; or solicits, recommends or supervises the treatment of such trees; or in any manner or for any purpose treats or cares for such trees or parts thereof; or for control of any diseases, injuries or insects, sprays or treats by any other method such trees or forest trees.

Sec. 2. 32 MRSA § 1951, sub-§ 8, as enacted by PL 1965, c. 226, § 70, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This bill removes from the arborist statutes a provision limiting the felling of trees by topping or sections to arborists. The need for this statutory change is set forth in the emergency preamble.